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Chairman: Mr. Faati (Vice-Chairman) ..... (Gambia)

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In the absence of Mr. Hamid al Bayati (Iraq), Mr. Faati (Gambia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 369 and Corr.1, 374, 469, 470, 475, 489, 504 and 526)

1. **Mr. Kruljević** (Serbia) said that his delegation associated itself with the statement made by the representative of Finland on behalf of the European Union.

2. Despite Serbia's tireless efforts, in recent years, to improve the situation of human and minority rights, consolidate the rule of law and strengthen democratic institutions, human rights were still not respected in the province of Kosovo and Metohija, where one of the most acute problems was the lack of security for the non-Albanian population. Since June 1999, there had been more than 5,000 attacks on Serbs, many of whom had been killed or gone missing, and Serbs and other non-Albanians had been exposed constantly to intimidation and threats. However, such incidents often went unreported.

3. Serbia was deeply concerned about the continuing impunity enjoyed by most of the perpetrators of ethnically motivated crimes and those responsible for the organization and incitement of ethnic violence in Kosovo and Metohija. Unfortunately, the United Nations Interim Administration Mission in Kosovo (UNMIK) did not provide data concerning the number of persons arrested, charged or convicted for those crimes. The culture of impunity and lack of security had created an environment in which the freedom of movement of Serbs and other non-Albanians remained restricted, which negatively affected other basic human rights, including access to justice, health care and education for minority communities living in microenclaves. Furthermore, there had been scant progress in the investigation of disappearances and abductions of Serbs, Roma and other non-Albanians in Kosovo and Metohija. There was reason to believe that those crimes had been perpetrated by members of the former Kosovo Liberation Army and other extremist groups. UNMIK should spare no effort to investigate those crimes.

4. The protection of private property rights was a further problem; despite court decisions, rightful owners were unable to reclaim their property from illegal users, who refused to cede it. Furthermore, non-Albanian owners were often unable to use their property owing to the lack of security and restricted freedom of movement.

5. Notwithstanding the deployment of international forces in Kosovo and Metohija, for seven years non-Albanians had been exposed to various forms of discrimination and had been struggling to preserve their linguistic and cultural identity in the face of constant attacks on their religious heritage. The distressing human rights situation in Kosovo and Metohija was the main reason why internally displaced persons were not returning to the province. As a result of the ongoing failure of UNMIK to provide the necessary information on implementation of the International Covenant on Economic, Social and Cultural Rights in Kosovo and Metohija, Serbia was unable to supplement its initial report as requested by the Committee on Economic, Social and Cultural Rights. Respect for human rights appeared unlikely to be achieved while negotiations on the future status of Kosovo and Metohija were ongoing and indeed hinged on the outcome of those negotiations. Human rights in the province had become a bargaining chip; Serbs had been offered basic human rights in exchange for acceptance of a solution on the future status of the province. Such treatment of human rights was wholly unacceptable and politically dangerous. Peace, security and development in Kosovo and Metohija could be achieved only if human rights and freedoms were ensured. For its part, Serbia would remain actively engaged in all efforts aimed at advancing the cause of human rights.

6. **Ms. Halabi** (Syrian Arab Republic) said that the greatest threat to human rights was the selective use of human rights issues by some States as a pretext for

interference in the affairs of others, which was a violation of the principle of sovereign equality as laid out in the Charter of the United Nations. Double standards and selectivity should not be employed in addressing human rights violations. Arbitrary or coercive measures that infringed on the rights of societies under the pretext of protecting the rights of individuals should be eschewed. In particular, developed States should refrain from hegemonic practices in their relations with developing States.

7. Priority should be given to ending the gravest violations, which included ethnic cleansing, mass relocation and colonial settlement. Above all, foreign occupation should be ended because it deprived people of their social, economic and political rights. In that regard, she supported the conclusions of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which exposed occupation practices that violated international humanitarian law and the provisions of the two International Covenants on Human Rights, and the Fourth Geneva Convention.

8. She also supported the recommendations of the Special Rapporteur on the right to food, and she noted that the interim report of the Special Rapporteur on freedom of religion or belief (A/61/340) showed that there were Governments that either implicitly or explicitly encouraged the association between Islam and terrorism. The use of the struggle against terrorism as a cover for the clash of civilizations only benefited the terrorists.

9. The Syrian Arab Republic was a party to numerous international human rights instruments, and the humanitarian standards provided for in those instruments were reflected in its domestic legislation and political system. Dialogue based on non-selectivity and transparency was the only way to ensure that all enjoyed the basic rights and freedoms guaranteed by the International Declaration of Human Rights and its associated international instruments.

10. **Ms. Laohaphan** (Thailand) said that her country remained firmly committed to the promotion and protection of human rights and democracy and, following the recent political change in Thailand, would make every effort to restore parliamentary democracy within the shortest possible time frame. A civilian government had been put in place, and work on a new constitution would soon begin, paving the way for a stronger democracy.

11. As a party to almost all the core international human rights instruments, Thailand continued to strive to fulfil all its international obligations in the area of human rights, including its reporting obligations. Her Government cooperated as fully as it could with the treaty bodies and implemented their recommendations to the extent possible. In addition, it supported the work of the special procedures mandate holders and had invited the Special Rapporteur on the right to health, the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on the sale of children, child prostitution and child pornography to visit Thailand in 2007. It hoped that those visits would serve as a mutual learning process.

12. However, international frameworks and standards alone were insufficient to ensure the realization of a human rights culture, which needed to be cultivated from within, particularly at the local level. To that end, Thailand was redoubling its efforts to promote human rights education and was planning, among other measures, to hold a national workshop in 2007 to promote the use of the manual on human rights education developed by Austria as part of the Human Security Network, which it had translated into Thai. The national workshop would complement and act as a catalyst for other efforts aimed at disseminating human rights principles among the local population in languages and contexts that were readily understood. The blending of those principles with local traditions, cultures and religious beliefs and with entertainment served as an effective educational strategy, since respect for human rights was strongest and most durable when citizens felt that it was part of, rather than alien to, their daily life.

13. In order to create an enabling environment in which a human rights culture could flourish, the Government was firmly committed to achieving stronger democratic governance, nurturing individual freedoms in the context of social justice and harmony and ensuring respect and equal treatment for minority groups. It sought to achieve greater public awareness and understanding of the spirit and principles of democracy with a view to enabling citizens to act as informed and active participants in decision-making processes at all levels, not only at polling stations. However, the international environment must also

facilitate the cultivation of a human rights culture and, in order to create such an environment, the United Nations must be effective and credible.

14. Her Government had high expectations of the Human Rights Council and the universal periodic review and endorsed the view that the true test of those mechanisms lay in their universality and constructive approach based on cooperation, dialogue, mutual respect and understanding. It hoped that the Human Rights Council would talk less, listen more and act promptly to prevent and address human rights violations. However, the Human Rights Council should not be the only mechanism; the entire United Nations system must be mobilized for the promotion and protection of human rights. In that regard, her Government would welcome greater country engagement of the Office of the High Commissioner for Human Rights (OHCHR) and endorsed the view that country presence would contribute to improved need-driven monitoring, reporting and provision of technical assistance. It also hoped that OHCHR, through close and constructive cooperation with the United Nations country team and all stakeholders at the national level, would focus more on prevention than on cure and invest greater efforts in human rights education and public campaign activities. OHCHR could do more to provide advisory services and technical assistance to developing countries in support of their national efforts to cultivate a human rights culture, a process that should take into account both international standards and local specificities.

15. **Mr. Al-Shehab** (Kuwait) said that the report on the situation of human rights in the Palestinian territories occupied since 1967 (A/61/470) demonstrated clearly that the continued Israeli occupation was responsible for depriving the Palestinian people of the most basic human rights in violation of international humanitarian law, the Geneva Conventions and United Nations resolutions. It was distressing that Israel was conducting its criminal activities before the eyes of the entire world unrestrained by international condemnation. The most blatant of those activities was the continued construction of the separation wall in violation of the 2004 advisory opinion of the International Court of Justice ruling it illegal. In addition, the large number of Israeli checkpoints continually reminded Palestinians that their lives were under Israeli control. Israel's continued bombing of Gaza's power, water, health and education facilities showed its lack of interest in achieving peace. Israel's arbitrary arrest of thousands of people, including women and children, and the poverty in which its policies forced Palestinians to live were also shameful. He endorsed the Special Rapporteur's appeal to the international community to put a stop to these abhorrent Israeli acts and compel Israel to comply with international resolutions.

16. **Mr. Babadoudou** (Benin) said that his country was a vivid example of the improvement in the situation of human rights and fundamental freedoms that had taken place in many sub-Saharan countries. The Beninese Constitution had been one of the first to usher in the age of democracy in Africa, and Benin prided itself on its record of press freedom. Full attainment of human rights was a long-term process that depended on the time and resources available and on political will. Once attained, human rights should not be taken for granted, but should be subject to an ongoing process of consolidation.

17. Education and training in human rights were crucial to democratization and the realization of those rights. It was imperative, particularly in new democracies, to teach individuals what their rights and obligations were, and how far they could go in expressing and enjoying their freedoms without infringing on those of others or of society as a whole. Education must enable individuals to view their rights in the context of collective rights; States must therefore maintain a balance between individual and collective rights, which was no easy task. Greater awareness of collective rights, particularly in fledgling democracies, could help to foster a sense of nationhood, which in itself would give impetus to efforts to combat poverty.

18. The African Charter on Human and Peoples' Rights had established the rights of peoples in order to reflect the ongoing search by African societies for a national identity. That process was extremely fragile and required economic support. Given the cost of elections alone, it was easy to understand the problems that African States faced without international support. Unless there was a substantial improvement in living conditions, it might not be possible to continue to advance democracy and respect for all human rights, since people might withdraw their support for those principles. The President of Benin, recognizing that progress in the area of human rights hinged on economic development, had decided to launch an "economic revolution".

19. Economic, social and cultural rights deserved the same attention as civil and political rights. The international community should condemn violations of economic, social and cultural rights and the right to development as strongly as it condemned violations of civil and political rights. Developed and developing countries should share responsibilities with a view to redressing inequalities and injustices with respect to world trade, foreign debt, resource flows and technology transfer.

20. For many years, the countries of the South had been singled out as violators of human rights, yet violations of rights and freedoms were not exclusive to developing countries. Indeed, individual freedoms were being dealt serious blows in the oldest democracies. In order to ensure genuine international cooperation to achieve universal human rights, it was necessary to end the exploitation of human rights issues for political purposes.

21. **Mr. Malmierca Díaz** (Cuba) said that, while the creation of the Human Rights Council was expected to usher in an era of genuine cooperation on human rights, the developed countries were using political manipulation and double standards to impose their biased approach to human rights on others. They were presenting themselves as human rights champions, while applying only half measures to their blatant human rights violations.

22. The wealthiest and most powerful country in history continued to repeat its meaningless, hypocritical and slanderous statements against others, while concealing its many sins. It claimed the right to practise torture as a means of fighting terrorism, detained people arbitrarily and deprived many of them of their most basic rights. Its society tolerated police abuse, racial discrimination, xenophobia and overcrowded jails. It had subjected Cuba to a genocidal economic, financial and trading blockade and shamelessly intervened in that country's internal affairs.

23. The countries of the North behaved as if freedom and democracy were their exclusive preserve and as if they had been granted the authority to judge and determine the political and social systems of other equally sovereign States. That situation had to change, and first and foremost the current unipolar, unjust and uneven international order must be dismantled.

24. **Mr. Mavroyiannis** (Cyprus) said that the international community had rightly acknowledged that human rights, the rule of law and sustainable development were inextricably linked. The introduction of a human rights-based approach in the work of all United Nations agencies and programmes and the establishment of the Human Rights Council were positive developments, and in that regard he fully subscribed to the statement made on behalf of the European Union.

25. The Turkish military occupation of 37 per cent of Cyprus had resulted in the denial of the fundamental human rights of refugees, relatives of missing persons and enclaved persons, the destruction of the religious and cultural heritage in the occupied areas and curbs on the freedom of the press. The right to return to one's home and the restoration of one's property as a means of conflict resolution, peacebuilding and restorative justice were of the utmost importance given that one third of the population had been forcefully driven from their homes by the invading forces and were refugees.

26. The transfer by an occupying Power of its population to the area it occupied was considered a grave breach of the Geneva Conventions and was described as a war crime in the Rome Statute of the International Criminal Court. All means possible must be taken, as a matter of urgency, to alleviate the plight of the people of Cyprus resulting from the invasion and occupation of their territory. However, no measure taken to remedy the persistent violations of human rights could be effective until an end was put to the forcible division of the island. No settlement could be achieved without the withdrawal of foreign troops. Full conformity with individual human rights standards must be an integral part of any comprehensive, functional and sustainable solution to the Cyprus issue. His Government was ready and was doing its utmost to create the right conditions for the resumption of meaningful negotiations.

27. **Mrs. Papadopoulou** (Greece) said that the invasion and occupation of the northern part of Cyprus by Turkey was a violation of international law and that the human rights situation of the enclaved persons living in the occupied areas was of grave concern. While certain positive measures had been taken, more remained to be done. The Government of Turkey had an obligation to conduct an effective investigation into the fate of missing persons and to comply fully with court rulings concerning displaced persons, which it

had not yet done. Construction activity and the sale of illegally seized Greek Cypriot land and properties continued unimpeded. There was an increasing influx of settlers from mainland Turkey, and the island's cultural heritage was being systematically destroyed. Respect for human rights and the rule of law must be an integral part of any solution to the problem.

28. **Mr. Kariyawasam** (Sri Lanka) said that the recent escalation of violence in his country was attributable to the resumption of hostilities by the Liberation Tigers of Tamil Eelam. Despite strong provocation from that group, the Government was exercising maximum restraint and took limited and targeted military action only after exhausting all other peaceful options. It had taken steps to build a national consensus that would lead to a negotiated settlement. The previous week, it had signed a memorandum of understanding with the main opposition party in which the parties agreed to cooperate on settlement of the conflict, electoral reforms and good governance.

29. The Government had also addressed various human rights concerns. With regard to allegations of extrajudicial executions, disappearances and other violations of the right to life, it had decided to establish a national commission of inquiry, which would be monitored by an international independent group of eminent persons. The commission would investigate several incidents in respect of which accusations had been levelled against parties to the conflict.

30. The Government had taken measures to ensure that the populations affected by hostilities had quick access to humanitarian aid. It had facilitated the provision of food and other essential supplies to displaced persons through its own mechanisms or through international humanitarian organizations and agencies.

31. Contrary to certain allegations made by the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Government had consistently advocated the adoption of a human rights framework by the parties with clear benchmarks and time-bound actions. It did not need to struggle for legitimacy, and it was further strengthened because the opposition had agreed to cooperate in the national interest. It continued to work with its partners to improve its own record and was subjecting itself to scrutiny by being a party to all seven human rights instruments and several protocols and by inviting United Nations human rights special mechanisms to undertake investigative missions.

32. **Mr. Dall'Oglio** (Observer for the International Organization for Migration (IOM)) said that IOM welcomed the outcome of the High-level Dialogue on International Migration and Development held in September 2006, which in many ways had echoed the key messages strongly advocated by IOM, and it looked forward to making the follow-up a success. The recognition and safeguarding of the human rights of migrants would enable those migrants to make a fuller contribution to their countries of origin and destination.

33. The level of human rights abuses against migrants differed significantly at the various stages of the migratory cycle: in the country of origin, during transit, and in the country of destination. Some migrants, usually skilled workers who migrated in order to take up vacant posts in the formal sector, enjoyed a well-managed migration process and therefore experienced relatively few, if any, problems, while unskilled workers were more vulnerable to rights violations, particularly when working in poorly regulated sectors.

34. One of the factors contributing to the vulnerability of migrants was lack of familiarity with the society, language, laws and practice of the host country, as a result of which migrants were less aware of their rights and, consequently, less able to assert those rights. The most vulnerable migrants, particularly victims of trafficking, irregular migrants and other migrants with tenuous legal status, faced physical and psychological abuse, degrading treatment and work conditions and unreported deaths and disappearances, remaining largely unprotected and isolated from society owing to their lack of documentation, their dependence on employers or traffickers and their fear of detention and deportation. Unless appropriate protection, advocacy and monitoring mechanisms were in place, some of the gravest violations of the human rights of migrants would continue unchecked and unreported.

35. It was not easy to address the human rights aspects of migration, particularly the rights of irregular migrants. Efforts to break the vicious circle in which fear of detection and deportation prevented irregular migrants from reporting abuse, thereby strengthening the hand of traffickers and abusive employers, were at

the heart of effective human rights protection. Governments must show strong resolve in combating trafficking in order to ensure that migration took place in conditions of safety and dignity, thus becoming an informed choice rather than a survival strategy.

36. Advocacy, awareness-raising and implementation helped to improve the protection of the human rights of migrants, since the main obstacle to the realization of those rights was not the lack of legal instruments but failure to implement those instruments fully and consistently. A steady capacity-building effort could help to narrow that implementation gap, and in that regard, IOM was working to increase awareness and knowledge of migration law. In order to facilitate dissemination, it had created an online migration law database designed to serve as a research tool for government officials, international organizations and civil society. In addition, it was supporting institutional capacity-building by assisting its member States with legislative reforms, training and administrative follow-up on various migration law issues. One such form of support was the International Migration Law Course, held by IOM biannually in collaboration with the International Institute of Humanitarian Law. The course was designed for government officials, academics, representatives of international and non-governmental organizations and members of the media and civil society. It focused on the international legal framework governing migration, including the rights and responsibilities of States and migrants, human rights and State security. Its key objective was to enhance the expertise of migration practitioners and government officials regarding the importance and use of international instruments in the management of migration.

37. The global nature of migration called for a global response involving greater cooperation and partnerships between NGOs, civil society and other actors. Migrants themselves should be involved in seeking solutions, and their potential role in promoting human rights and contributing to development both within their countries of origin and in host communities should be further explored.

38. **Ms. Chenoweth** (Food and Agriculture Organization of the United Nations (FAO)) welcomed the attention given to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which FAO had incorporated in its programmes and activities. In order to implement the Guidelines and to support the full realization of the right to food through their application, FAO had established a unit on the right to food and was seeking the cooperation of other United Nations agencies. The strategy of FAO in promoting the right to food was to focus on five key areas: advocacy and training, information and assessment, legislation and accountability, strategy and coordination, and benchmarks and monitoring.

39. FAO commended the efforts made by Brazil, Sierra Leone and Mozambique to implement the right to food, inter alia through the establishment of innovative institutional mechanisms. In Brazil, a national rapporteur on food, water and rural land was responsible for monitoring the situation regarding the right to food and participated in the national Food Security Council (CONSEA), which advised the President directly on policies. In addition, the National Congress had recently approved the text of a human rights-based federal law on food and nutritional security. Sierra Leone had established a secretariat on the right to food to advocate for the right to food, facilitate coordination and monitor progress towards realization of the right to food, which was one of the Government's top priorities. Mozambique was revising its Food Security and Nutrition Strategy, and had established a working group on the right to food within its Technical Secretariat for Food Security and Nutrition.

40. FAO looked forward to sharing the lessons learned through implementation of the right to food and of the Voluntary Guidelines in different countries. In the past, it had benefited greatly from the contributions and cooperation of other United Nations agencies, particularly the Office of the United Nations High Commissioner for Human Rights and the World Food Programme, and a range of non-governmental partners in promoting the right to food and drawing up the Voluntary Guidelines. It hoped to expand and strengthen such partnerships in order to enhance strategies for promoting food security. The problem in establishing food security was that the hungry and poor were politically powerless and were excluded from the planning, implementation and monitoring of programmes and policies. A human rights-based approach to food security had the potential to empower them to assert their human rights.

41. **Mr. Saeed** (Sudan), speaking in exercise of the right of reply, said that the human rights situation in Darfur was steadily improving thanks to the Darfur Peace Agreement and humanitarian and security efforts made by his Government in close cooperation with the international community.

42. The statements made at the previous meeting by the United States and Australian delegations did not serve efforts to bolster stability and security in Darfur. The United States was known to be a large country with a vast record of human rights violations, including abuses against detainees at Guantánamo Bay and secret prisons. It had enacted laws enabling the Government to spy against its own citizens, in violation of the United States Constitution. It had one of the worst records of human rights abuses in history with respect to the rights of indigenous peoples, whom it had annihilated. It also had a history of xenophobia and intolerance, including animosity towards Islam.

43. His delegation did not wish to dwell on those abuses; the record spoke for itself. It hoped nevertheless that problems could be resolved through dialogue and mutual understanding and reiterated its desire to cooperate with the international community in efforts to improve the situation in Darfur. The Sudan was fully aware of its obligations to protect the rights of its citizens. It did not need to take lessons from States which should be focusing on remedying their own human rights situation.

44. **Mr. Kitchen** (Zimbabwe), speaking in exercise of the right of reply, said that the United States of America, a renowned global violator of human rights, was desperate to divert attention from its own record. There was full respect for due process in Zimbabwe. The incident to which the United States and Australian delegations had referred was currently before the courts. The two delegations proceeded from the premise that anything done by them was right. They did not apply to themselves the standards they demanded of others. There had been incidents of anti-war protesters, including elderly women, being beaten up in New York and other parts of the United States. The Bush regime trampled on the rights of United States citizens on the pretext of conducting a war on terror. The United States programme of torture had been well documented. Unlike the United States, the world's best known exporter of torture, Zimbabwe did not maintain secret torture camps. As to the Australian delegation, it had stated before the Committee that the Government would continue to trample on the rights of indigenous people. The cause of human rights would no doubt be better served if the United States, Australian and like-minded delegations stopped posturing as good guys.

45. **Mr. Chernenko** (Russian Federation), speaking in exercise of the right of reply, said that his delegation wished to clarify the question of Russian legislation on non-governmental organizations, an issue which had been raised by the United States delegation. Implementation of the revised legislation on re-registration of NGOs was being considered by Russian civil society, including through the Public Chamber of the Russian Federation, as well as by foreign NGOs and international agencies. The Council of Europe had twice sent a delegation to Moscow during the previous month and had earlier studied the relevant draft laws on NGOs. The Council delegation had been given comprehensive information on the way in which the legislation was being implemented during meetings with the Registration Chamber and civil society, with which they were fully satisfied. According to information from the Federal Registration Service, 99 foreign NGOs operating in Russian territory had been re-registered successfully. Another 96 had provided documents for consideration.

46. It should be noted that more than half of the re-registered NGOs were from the United States, including the Ford Foundation, Carnegie Moscow Center and the American Chamber of Commerce, alongside other well-known Western NGOs. They did not have any particular problems with the procedure. In other words, bona fide NGOs had not encountered any difficulties in complying with the procedure and had already adapted to the new conditions. Russian and foreign NGOs alike were being re-registered in a rather free and open atmosphere, which was in line with similar practices in the majority of democratic countries and did not go beyond international standards governing NGO activities.

47. **Mr. Chaderton-Matos** (Bolivarian Republic of Venezuela), speaking in exercise of the right of reply, said that it was difficult to engage in dialogue on human rights issues with the United States delegation, especially as it was the paramount human rights offender. It was enough to recall the horrendous torture practices in the Abu Ghraib and Guantánamo Bay prisons, where such sophisticated methods as sensory deprivation were being applied to extract confessions.

48. The United States of America, through the National Endowment for Democracy, had financed efforts to destabilize his Government. Under the Constitution, Venezuelan citizens participated fully in public life; they enjoyed participatory democracy, were able to monitor their representatives throughout their entire term in office, and could revoke the mandates of elected officials, including the President. The opposition, which was financed from abroad through legal channels, had at one point been defeated in a referendum supervised by the Organization of American States, the European Union and the Carter Center.

49. Concerning the bill on NGOs in the Bolivarian Republic of Venezuela, his Government encouraged international cooperation in strengthening the participation of civil society in public life. It planned to have a national register of NGOs operating within the country. The Supreme Court had decided that NGOs which were involved in activities of national interest should use their own resources to prevent foreign Governments from manipulating them or using them for political purposes. There were other institutions besides the National Endowment for Democracy, such as the Konrad Adenauer Foundation, which had sought to destabilize his Government, in concert with the United States of America and an international Christian democratic movement.

50. He recalled his Government's request for extradition of Orlando Bosch, the Cuban exile currently enjoying asylum in the United States of America, who was responsible for the 1976 bombing of a civilian airliner which had claimed the lives of the 73 people on board. Also living peacefully in the United States of America were Venezuelan military officers responsible for terrorist attacks against the Colombian Consulate and Spanish Embassy in Caracas. Nevertheless, according to the United States, there were good terrorists and bad terrorists, just as there were good walls and bad walls. His Government recognized all NGOs committed to defending the dignity of the individual and promoting human rights education and social justice. There were other NGOs which did not have that sense of international solidarity with people and which were engaged in widening the gaps in democratic systems to maintain their worldwide domination.

51. **Mr. Kim** Yong Ho (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the Committee was once again witness to the hypocrisy of the United States and Australian delegations, which pointed the finger at other States claiming to be human rights judges. Yet, the most serious human rights offenders were the United States and Australia, which had invaded other nations and massacred countless innocent civilians, including women and children. Violations of the right to life were the gravest of all human rights violations. To avoid such violations and protect the human rights of the people of the Democratic People's Republic of Korea, his Government had built up its national defence capacity, including nuclear deterrence. He urged the United States and Australian delegations to address their own human rights situations before accusing others.

52. **Mr. Zamani** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that no one could be indifferent to the situation of human rights in any part of the world. It was a collective responsibility and common concern of the international community to promote human rights everywhere. Equality, justice and freedom were aspired to by all peoples and nations.

53. With respect to the unfounded statements by the United States of America and Australia about the Islamic Republic of Iran, his Government had always given priority to the protection and promotion of human rights and fundamental freedoms for all Iranians. Although the centre founded by Ms. Shirin Ebadi had received a temporary permit, the grant of permanent registration would have to await the completion of documents by the centre, and activities had been suspended until the relevant requirements had been met.

54. **Mr. Zhang** Yi (China), speaking in exercise of the right of reply, said he regretted that the United States delegation had launched an unwarranted attack against China and other countries with regard to their human rights record. The progress made by his Government in the area of human rights was evident for all to see. Although it attacked other delegations, the United States delegation remained silent about its own serious human rights problems both within its borders and abroad. In the name of counter-terrorism, the United States of America had tightened its surveillance of the Internet, thus violating the privacy of its citizens. It controlled anti-war assemblies, limited freedom of expression, and restricted freedom

of the press. The lives of Muslims in the United States had become more difficult after the attacks on the country of 11 September 2001, and the rights of indigenous peoples were violated systematically.

55. In addition, it detained for indeterminate periods its prisoners of war. In Iraq, Afghanistan and elsewhere, the United States military had killed innocent people and abused prisoners; it had violated the most fundamental human rights, including the right to life; and it had denied permission to various United Nations agencies and special mechanisms to verify human rights situations. The United States delegation had quoted the United States President on the subjects of freedom, the rule of law and the protection of minorities. His delegation hoped that the United States would not be a giant in words and a coward in deeds.

56. **Mr. Aksen** (Turkey), speaking in exercise of the right of reply, said that his delegation had been dismayed by the distortions in the statement of the representative of Greece, who had implied that the Cyprus problem had not existed before 1974. It would be recalled that his Government had encouraged the Turkish Cypriot people to vote in favour of the proposed Foundation Agreement in the "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem" put forward by the Secretary-General. In depicting the Cyprus issue as a case of invasion and occupation which had suddenly occurred in 1974, the representative of Greece had overlooked the preceding 11 years of suffering of the Turkish Cypriots and had failed to mention the Akritas Plan, a plan prepared by the Greek Cypriot leadership at the time for the purpose of driving the Turkish Cypriot population out of Cyprus and bringing about union with Greece.

57. The United Nations Peacekeeping Force in Cyprus had had to be deployed on the island in early 1964 when the Greek Cypriots had attacked the Turkish Cypriots. Between 1963 and 1974, the United Nations had attempted without success to resolve the problem. During that period there had been no Turkish occupation forces on the island. On the contrary there had been a Greek division from the Greek mainland. The Turkish Cypriots had been forced to live in enclaves in their own homeland.

58. There had been a military coup in Cyprus in 1974 instigated by the military regime in Greece. To counter that coup Turkey had intervened as a guarantor Power, acting within its responsibilities under the 1960 agreements to save the Turkish Cypriots from total annihilation and prevent the annexation of the island by Greece. The intervention had put an end to the constant fighting and bloodshed in the island.

59. Human rights violations against the Turkish Cypriots persisted at the present time. The Turkish Cypriots still lived under conditions of inhumane isolation and disenfranchisement. He hoped that the international community would show its full solidarity with the Turkish Cypriot community by engaging in direct economic, commercial, social and cultural contacts with them without further delay.

60. There were also the matters of confiscated Turkish Cypriot property, the systematic destruction of the Turkish Cypriot cultural heritage, including desecrated religious sites in the South, and the denial to Turkish Cypriot pupils of a proper education in their mother tongue in Limassol. The statement by the Greek representative concerning missing persons in Cyprus had been misleading, as she had referred to Greek Cypriots who had gone missing in 1974, not Turkish Cypriots who had gone missing between 1963 and 1974. His Government was anxious to find an overall solution to the dispute.

The meeting rose at 5.20 p.m.

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Promotion and protection of the rights of children

Third Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Monday, 30 October 2006, at 10 a.m.

Chairman: Mr. Al Bayati ..... (Iraq)

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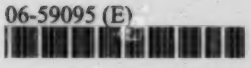

The meeting was called to order at 10.15 a.m.

Agenda item 63: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/61/L.16)

Draft resolution A/C.3/61/L.16: Rights of the child

1. **Ms. Pi** (Uruguay), speaking on behalf of the sponsors, introduced draft resolution A/C.3/61/L.16, which included a special section on children and poverty. The paragraphs on violence against children focused on the findings of the United Nations study on violence against children and encouraged Member States, United Nations entities, regional entities and civil society to disseminate and follow up on the study. It was hoped that the draft resolution would be adopted by consensus to demonstrate the common commitment to the promotion and protection of children.

2. **The Chairman** announced that Albania, Andorra, Belarus, the Congo, Moldova, Monaco and Morocco had become sponsors.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280; A/C.3/61/5)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 369, 369/Corr.1, 374, 469, 470, 475, 489, 504 and 526)

3. **Mr. Tulbure** (Moldova) said that his Government continued to implement a national human-rights action plan as well as a cooperation plan with the European Union encompassing human rights. Since joining the United Nations 10 years before, the Government of Moldova had updated its national legal instruments in accordance with European standards and had ratified 57 human-rights treaties.

4. The Government was concerned at the ongoing violation of human rights in the Transnistrian region of the country and, in particular, the arbitrary detention of two members of the Ilaşcu Group. To date, the Russian Federation had not implemented the decision of the European Court of Human Rights calling for the prisoners' release. Despite criticism from NGOs and international organizations, prison conditions in the region had not improved in recent years and the de facto authorities reportedly continued to use torture.

5. Other issues of concern included lack of freedom of religion, expression, assembly and association. A number of religious groups had been denied the right to register and the de facto authorities controlled most of the print and electronic media. In 2004, a number of schools using Latin script had been closed; although most had been reopened following an international outcry, one of the high schools in Rîbniţa remained closed.

6. Residents of the Transnistrian region were not permitted to elect their leaders democratically or participate freely in Moldovan elections. Opposition politicians were continually harassed and candidates had been banned from contesting all elections between 1996 and 2005. The Organization for Security and Cooperation in Europe had declared that democratic elections could not take place under such circumstances and had therefore refused to monitor them.

7. In addition, the International Organization for Migration and other international organizations had indicated that human trafficking remained a serious problem for women from the Transnistrian region as well as for women from other countries who were transported through Moldova.

8. The international community had a duty to intervene when a State was unable to redress human-rights violations, including in zones where there were protracted or frozen conflicts. He hoped the Human Rights Council would be able to take action to end human-rights violations wherever they occurred.

9. **Ms. Banzon** (Philippines) said that her Government had recently passed a law abolishing the death penalty, thereby enabling it to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty. It had also created a national task force and an independent commission to investigate

reports of human-rights violations, particularly those directed at political figures, media personnel and human-rights defenders.

10. The Philippine Government welcomed the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. While States might have different ways of understanding some of the provisions, it was significant that enforced disappearances and rights of indigenous peoples had been identified as priority human-rights issues.

11. National consultations regarding visits by several Special Rapporteurs had been stepped up. In that regard, the Government was pleased to announce that it would invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the Philippines in early 2007.

12. The increasing vulnerability of migrants to human-rights violations was an issue of great concern. All countries felt the impact of migration to some extent and such violations could destabilize society. The Government was confident that the Committee would use its influence to mainstream respect for the human rights of migrants in all aspects of United Nations work.

13. **Ms. Banks** (New Zealand) said that the Human Rights Council needed to pay scrupulous attention to the facts and that its working methods should be transparent and inclusive. New Zealand supported the establishment of the universal periodic review, which should be objective and based on an open dialogue with the concerned State.

14. New Zealand remained disturbed at the human-rights abuses in various countries. In violation of four human-rights treaties, the Democratic People's Republic of Korea continued to abuse basic human rights such as the right to security of the person, freedom of movement and freedom of expression. While the Government of that country allocated massive funding to military consolidation and nuclear testing, its people continued to suffer from the deprivation of their basic economic, cultural and social rights. New Zealand called upon the Democratic People's Republic of Korea to engage with the Special Rapporteur and to allow unconstrained access by humanitarian agencies, including the World Food Programme.

15. The Government of Myanmar continued to show an unwillingness to reform and had not yet adhered to the recommendations of the General Assembly and the former Commission on Human Rights. Critical human-rights issues included the rapid rise of HIV/AIDS, limited health services, forced labour and the right to food and education.

16. New Zealand was particularly distressed at the execution of 15 aid workers in Mutthur, Sri Lanka, and called upon all parties involved in the Sri Lankan conflict to declare an immediate ceasefire and commit themselves fully to the upcoming peace talks in Geneva. It urged the Government to conduct a thorough and impartial investigation of all alleged abductions and extrajudicial killings and to guarantee a safe environment for humanitarian workers.

17. In the Darfur region of the Sudan, despite the 2006 Darfur Peace Agreement and international monitoring, systematic human-rights violations continued to occur, including sexual violence against women and children and the abduction of children. New Zealand welcomed the efforts of the African Union Mission in the Sudan to mediate a ceasefire and peace agreement between the parties, and fully supported Security Council resolution 1706 (2006).

18. In Zimbabwe, starvation resulting from economic mismanagement and the politically motivated distribution of food was only part of the abuse and repression perpetrated by the Government. The international community needed to take a united stand in pressing the Government to secure its future and protect the human rights of its people.

19. New Zealand regretted the deterioration of the human-rights situation in the Islamic Republic of Iran, especially with respect to censorship and the execution of minors. It called upon the Government to address human-rights issues, including the treatment of religious and ethnic minorities.

20. **Mr. Oshima** (Japan) said that the United Nations played a key role in setting human-rights standards. Notable successes included the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance and completion of the drafting of the Convention on the Rights of Persons with Disabilities.

21. Although the establishment of the Human Rights Council represented a significant step in mainstreaming human rights in the international community, the Council had not met expectations. It would, Japan hoped, find a way to foster a new spirit of international cooperation in addressing grave violations of human rights. Japan also supported the efforts of the Office of the High Commissioner for Human Rights to strengthen its engagement at the country level and to provide a comprehensive response tailored to the specific situations of the countries concerned.

22. Although democratization and the rule of law had improved significantly in many parts of the world, human rights continued to be violated in a number of countries. Japan was particularly concerned at the abduction of foreign nationals, including Japanese nationals, by agents of the Democratic People's Republic of Korea. Although the authorities had admitted to having abducted Japanese citizens, they had failed to provide satisfactory information regarding their situation. Japan called upon the Government to return the abductees to their homelands immediately and to respond to the concerns set forth in General Assembly resolution 60/173 on the human-rights situation and Security Council resolution 1718 (2006) on the non-proliferation of nuclear weapons.

23. Japan urged the Democratic People's Republic of Korea to accept a visit from the Special Rapporteur on the human-rights situation in that country and to engage in dialogue with the international community.

24. **Ms. Rasheed** (Palestine) said that under the Israeli occupation the Fourth Geneva Convention and other instruments of international law were being constantly and deliberately violated. Even during the most productive years of the peace process, Israel had continued to kill and maim civilians. Over 10,000 Palestinians, including more than 350 children and 120 women, were being held in Israeli prisons or detention centres with extremely limited access to families and to legal representation.

25. Israel continued to confiscate land and had nearly completed the construction of the wall of separation, in violation of the advisory opinion of the International Court of Justice. The occupied Palestinian territories were being severed into isolated enclaves. Palestinians were being displaced and their livelihoods were being destroyed.

26. Excessive force was being applied in Gaza. Civilian infrastructure, homes and institutions of the Palestinian Authority were being destroyed and Palestinian civilians, including democratically elected Palestinian officials, were being detained. Hundreds of families in Gaza had been forced to flee their homes after receiving calls from the Israeli forces to abandon their homes.

27. It was difficult to reconcile Israel's commitment to the rule of law with the human-rights violations being committed against the Palestinian people.

28. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that the international order was characterized by interference in internal affairs and a lack of respect for sovereignty. Certain forces invaded other countries and killed civilians for their own strategic interests. The "war against terrorism" being waged by the United States was in violation of international law and human rights.

29. The Third Committee should denounce such crimes against humanity and especially the criminal behaviour of the United States. However, that was not being done. The practice of invading other countries under the pretext of protecting human rights should be stopped. On numerous occasions, the United States and the United Kingdom had criticized human-rights practices in other countries, then made those countries the subjects of United Nations resolutions, and finally invaded them.

30. There could be no human rights without sovereignty. Double standards and selectivity in dealing with human-rights issues must be changed; discussions of human rights should abide by the principle of consistency.

31. The European Union had been concerned about human-rights violations in the former Yugoslavia, but had refused to address the issue of illegal aggression against Iraq by the United States. It had stated that it would inquire into any violations of human rights committed at any time or in any place, but had remained silent about the killings of civilians in Iraq and the maltreatment and torture of detainees in United States military prisons. The European Union regularly raised the abduction of a few Japanese people, an issue which had already been settled, while keeping silent on the kidnapping and forced conscription of 8 million people by Japan during the Second World War and the system of military sexual slavery instituted by Japan.

32. While not a prosperous country, the Democratic People's Republic of Korea had no social problems such as unemployment, illiteracy, violence and prostitution. The policies of its Government enjoyed the full support of the citizenry.

33. **Mr. Normandin** (Canada) said that human-rights violations must be recognized in order for societies to heal. Accordingly, Canada had recently made a formal apology and granted compensation to Chinese Canadians for the head tax which Chinese immigrants to Canada had at one time been forced to pay. Agreement had been negotiated between the Government of Canada and several aboriginal organizations. The agreement included compensation, an assessment process for claims of sexual or physical abuse and the establishment of a truth and reconciliation commission.

34. Civil society had an important role to play in ensuring accountability. The arbitrary closure of NGOs by States such as Belarus and the possible impact of new Russian legislation on NGOs were cause for concern. Also disturbing was the treatment of journalists in Belarus, Cuba, Eritrea and Ethiopia, while Turkmenistan and the Democratic People's Republic of Korea were characterized by a complete lack of freedom of expression.

35. The human-rights situation in the Islamic Republic of Iran warranted examination by the General Assembly, which would take place during the current session. In Uzbekistan, the violent repression of protesters was a matter of serious concern. China was making progress, but there were continuing violations of civil and political rights. The crackdown on human-rights defenders was worrisome. In Burma, the people suffered under repressive military rule.

36. **Mr. Tin** (Myanmar), speaking on a point of order, said that the official name of his country was Myanmar.

37. **The Chairman** requested all delegations to use only official country names.

38. **Mr. Normandin** (Canada), continuing his statement, said that Canada was deeply concerned by the deteriorating humanitarian, human-rights and security situation in Darfur, where the Janjaweed continued to act with impunity. The Human Rights Council had been unable to reach a substantive outcome on that situation.

39. Canada commended Guatemala, Uganda, Nepal and Sri Lanka, which were cooperating with UNHCR. Canada also applauded the progress made towards a peaceful resolution of Uganda's long-standing conflict. In Chechnya, where the security situation had improved, international organizations were encouraged to strengthen their presence.

40. Canada was very concerned by the deterioration of the humanitarian situation in the Gaza Strip and the West Bank. Israel should expand access to the territories and the Palestinian Authority should take measures to control and prevent violence.

41. In several other countries, some progress could be discerned. In Haiti, the holding of elections was an important step towards the re-establishment of democracy and the rule of law. In Iraq, the election of the first democratically elected government since the fall of Saddam Hussein was a remarkable accomplishment. In Colombia, important steps were being taken towards peace.

42. In Afghanistan, governance, human rights and the rule of law were rightly accorded a prominent place in the Afghanistan Compact, implementation of which should be supported. The decision in Senegal to prosecute Hissène Habré was a step towards ending impunity, as was the transfer of Charles Taylor to the Special Court for Sierra Leone. In Argentina, too, the nullification of amnesty for people involved in the "dirty war" was a milestone in the fight against impunity.

43. Accountability was at the heart of the work of Governments and the United Nations, and they must rise to the challenge, especially in the promotion and protection of human rights.

44. **Mr. Anshor** (Indonesia) hailed recent steps in the area of standard setting, including the adoption by the Human Rights Council of the International Convention for the Protection of All Persons from Enforced Disappearance; he also welcomed the preservation of the system of Special Procedures in the Human Rights Council and the proposal to create a unified standing treaty body, thereby simplifying reporting procedures and enhancing efficiency.

45. Implementation of existing human-rights instruments was a challenge. The same issues arose year after year without tangible progress. Current

approaches should be reviewed and innovative ways of addressing human-rights issues needed to be explored.

46. Lack of national capacity often hampered efforts to enforce human rights. Accordingly, a grant-giving body supporting projects to promote civic education, voter registration, democratic dialogue and access to information should be established within the Human Rights Council. Such a step could help the international community to transcend the perennial politicization of human rights.

47. Renewed thought should be given to the revitalization of the Third Committee. It had a substantive role to play in the field of human rights, with the Human Rights Council playing the leading role.

48. **Mr. Strigelsky** (Belarus) said that the importance of human rights was growing as Member States worked to improve existing human-rights mechanisms. However, such issues were frequently controversial as there were different traditions and cultures involved. Through consultation and dialogue, the Third Committee was seeking to reach important and timely decisions in a spirit of cooperation.

49. The establishment of the Human Rights Council should encourage a more objective and universal approach to human rights within the United Nations system. However, the collaborative spirit favoured by many delegations, including his own, was poisoned by the practice of country-specific resolutions. Belarus condemned the practice, which damaged international dialogue on human rights, and, as it was used for purely political purposes, could not yield positive results. Some countries were still accusing others of human-rights violations even though they themselves were not blameless. The legal framework in Belarus for regulation of NGOs and the mass media, which had recently been criticized in the Committee, was largely based on legal provisions used in countries with solid democracies.

50. Belarus sought to encourage equitable and mutually respectful dialogue on human rights, and had demonstrated its commitment to cooperate in protecting human rights. Major challenges were looming as the Committee neared the stage of taking action on human-rights proposals. It was highly important to maintain a constructive approach and to prevent politicization and double standards.

51. **Mr. Rodas Suárez** (Bolivia) said that his country's main long-term development objective was the eradication of poverty and all forms of social, political, cultural and economic marginalization and exclusion. The right to food was of particular importance, and priority had been placed on investments and strategies targeted to the most disadvantaged groups: women, indigenous people, the elderly, the rural population and the disabled.

52. Indigenous issues were also of great importance to his delegation, as was the adoption by the Human Rights Council of the Declaration on the Rights of Indigenous Peoples who faced particular difficulties regarding their social, economic and cultural rights. The increased participation of indigenous groups in political decision-making and international organizations was an encouraging sign.

53. Bolivia was promoting agricultural and rural development as a reflection of its ethnic diversity and as a means of recovering traditional local cultures and consolidating national identity. A framework for international protection of traditional knowledge and intellectual property rights was also important, so that the benefits from that knowledge could be distributed equitably.

54. **Mr. Panahiazar** (Islamic Republic of Iran) said that sadly, it was the long-standing practice of a few countries to use the discussion on human rights as an exercise in fault-finding, naming and blaming rather than a vehicle for understanding and the promotion and protection of human rights. Those States tended to divide the world into two opposing blocs: human-rights claimants and human-rights defendants.

55. All countries faced a variety of challenges and impediments in the fulfilment of their human-rights obligations, and none could claim a perfect record. Thus, all States were equally accountable to the collective conscience of the international community.

56. The aggressive policies adopted by certain Western countries on the one hand disregarded gross violations in areas directly or indirectly under their influence, while on the other, unjustly criticized countries not considered allies. The appalling situation at Guantánamo Bay, the disclosure of torture in Iraqi prisons by occupying forces, the existence of secret detention centres in Europe and the inhumane treatment of the Palestinian people by the Israeli regime were but a few examples of gross violations of

human rights committed by the self-proclaimed champions of human rights. Discrimination on the basis of religion and ethnic origin had been on the rise in many Western countries in the past several years. Muslims and certain ethnic minorities were subject to discrimination and targeting by police and security agents because they were unfairly branded as extremist. The same pattern of rights violations was being displayed in Canada, where there was grave concern over the situation of individuals in pre-trial detention, and indigenous women and girls continued to suffer discrimination and violence.

57. The international community should pay attention to human-rights situations in all parts of the world. The time had come to end the practice of overlooking the situation in the West, where the rights of certain segments of society, particularly minorities and immigrants, were systematically infringed. Human-rights issues must be approached in a cooperative and constructive way. The policy of confrontation and finger-pointing had thus far failed to achieve the objective of promoting and protecting human rights.

58. **Ms. Tchitanava** (Georgia) said that the priorities for her Government in the promotion and protection of human rights were reform of the judicial, law-enforcement and prison systems and review of national legislation to bring it into line with international human-rights standards. Another priority was combating corruption among public officials, many of whom had been tried and sentenced for corruption. Further efforts to promote human rights included adoption of a law against human trafficking and measures to combat religious intolerance.

59. Georgia had also made efforts towards further integration of minorities and their greater participation in all aspects of its national life. It had ratified the Council of Europe Framework Convention for the Protection of National Minorities and was in the process of ratifying the European Charter for Regional or Minority Languages. However, the human rights of Georgians living in the Russian Federation were being violated, and her delegation once again called on the Russian Federation and the international community as a whole to protect the rights of Georgian migrants.

60. Discussion of the human-rights situation in Georgia would not be complete without addressing the situation in the Tskhinvali region, South Ossetia and Abkhazia, where ethnic cleansing and genocide had been directed against Georgians. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Representative of the Secretary-General on the human rights of internally displaced persons had recently visited those areas, and had urged the de facto authorities in Abkhazia to refrain from adopting measures incompatible with international human-rights standards, including discriminatory laws regarding the acquisition of citizenship, to admit United Nations civilian police without delay and to cooperate with the establishment of an international human-rights office in Gali. The human-rights office established in 1999 in Sokhumi had not yet achieved tangible results. Furthermore, the separatist regime had banned Georgian as the language of instruction in schools. Strong action by the international community was of the utmost importance in addressing those issues.

61. **Ms. Olivera** (Mexico) said that her delegation saw the establishment of the Human Rights Council as a major step, and trusted in the constructive spirit and sense of renewal with which it had begun to overcome the inertia of the former Commission on Human Rights. At the current formative stage, it was essential to use innovative methods and show the political commitment to give the Council the tools it needed to fulfil its mandate. The division of labour between the Council and the Third Committee should be discussed as soon as possible, in order to avoid duplication. Her delegation also welcomed the progress in the development of the international legal framework for human rights through the adoption of a number of international instruments.

62. It was concerned, however, at initiatives which placed the security agenda above the human-rights agenda, as though respect for human-rights instruments could be dictated by circumstances. Observance of human-rights guarantees, including due process and international humanitarian law, were an essential tool in combating threats to international peace and security. Abandoning human-rights guarantees in the name of combating terrorism would clear the way for further strengthening of terrorist cells and extremist groups. Her delegation thus welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy by the General Assembly, which took an integral approach to the commitment of the international community to combat terrorism while respecting obligations under international law.

63. During the High-level Dialogue on International Migration and Development held at Headquarters in September 2006, it had been acknowledged once again that international migration, development and human rights were intrinsically related. Respect for the human rights of migrants and their families, independent of their migrant status, was an obligation of all States under international human-rights law. Her Government therefore reaffirmed that all policies and actions related to migration, including security and border control, should place priority on the rights of the migrant as an individual.

64. **Mr. Cabral** (Guinea-Bissau) said that human rights were the concern of all Member States, and were enshrined in the Charter of the United Nations. The current debate on the situation of human rights in various countries was promising, as it demonstrated that there was no single way to address the protection of human rights and that a holistic approach, along with increased focus on the right to development and civil and political rights, was needed.

65. He regretted that members of the Committee had criticized each other's human-rights practices, rather than sharing their visions. In his view, there was too much duplication of effort with other instances, especially the Human Rights Council, and serious discussion on a more effective division of labour was needed.

66. According to its means, each country needed mechanisms to develop its concept of human rights, from non-governmental organizations to human-rights defenders to Government agencies. Human rights should be defended everywhere, both North and South alike, and it was wrong to set lower expectations for developing countries in that area. Human rights were the affair of every country without excuse, and it was difficult to build democracy without respect for human rights.

67. **Mr. Belinga Eboutou** (Cameroon) noted that, since it was being held shortly after the creation of the Human Rights Council, the current meeting was of particular significance. It would allow the Committee to observe the first steps taken by a body that embodied the hopes of the international community for enhanced protection of human rights. In that respect, the adoption by the Council of the International Convention for the Protection of All Persons from Enforced Disappearance and of the United Nations Declaration on the Rights of Indigenous Peoples was a hopeful sign. Cameroon welcomed those developments, as it also welcomed completion of the drafting of the International Convention on the Rights of Persons with Disabilities.

68. However, much remained to be done. Despite the recent progress in terms of adoption of the various international legal instruments on human rights, the implementation of the principles and objectives enshrined in them depended on the countries' capacity to establish the necessary economic, social and cultural conditions.

69. More attention should be paid to the right to development. Defined as an inalienable right of mankind, by virtue of which every human being had the right to participate in and contribute to economic, social, cultural and political development, the right to development embodied the three fundamental rights, namely to food, to education and to health. There were grounds for hope in the adoption by the High Commissioner for Human Rights of a Plan of Action aimed at enhanced promotion of human rights, including the right to development.

70. Also welcome was the Multilateral Debt Relief Initiative (MDRI), put forward by the Group of Eight industrialized nations during the summer of 2005, which proposed cancellation of all the debts of the most indebted countries owed to the International Monetary Fund, the International Development Association and the African Development Bank, in order to help those countries reach the Millennium Development Goals. Additional debt-relief programmes should be put in place by the multilateral institutions that were not part of the MDRI. Furthermore, initiatives to find a durable solution to the problems of bilateral and commercial indebtedness should be taken, as had been recommended by the report of the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/61/464). It was also undeniable that a more favourable trade system, based on a worldwide partnership for development, would ensure the effective promotion of all human rights.

71. The adoption in 2005 by Cameroon of a Code of Criminal Procedure formed part of the country's ongoing efforts to apply international rules on the protection and promotion of human rights. Particular

procedures were also planned for the most vulnerable strata of society.

72. In the pursuit of its efforts, Cameroon was pleased to know that it could count on the assistance of the international community, in particular the Office of the United Nations High Commissioner for Human Rights. It was also grateful for the assistance from the United Nations Development Programme and the Subregional Centre for Human Rights and Democracy in Central Africa in the drafting of the Government's first report on the human-rights situation in Cameroon in 2005. The Centre had also assisted the National Commission on Human Rights and Liberties in drawing up teaching materials on human rights. Cameroon was grateful to France, Germany, Italy, the Netherlands and the United States for their financial support to the Centre, as well as to the Member States which had supported the draft resolution on its activities, adopted every year without a vote. He hoped that the Centre could count on their continued support.

73. The Committee would shortly be considering the first report of the Human Rights Council. That would be the ideal time for a thorough review of the monitoring system for international human-rights treaties. Complex monitoring mechanisms had been established over the years, and an examination of their operation would reveal overlaps and inconsistencies which lessened their effectiveness. Under the various conventions, the Member States were required to submit periodic reports to different committees, with the result that Government human-rights bodies spent their time writing reports, all dealing with broadly the same subjects, rather than actually implementing human-rights measures.

74. He suggested instead the introduction of a system under which States would submit a comprehensive report, covering all of the international human-rights treaties. That would not only reduce the workload but would also give a unity of approach that would help the Human Rights Council meet the expectations vested in it to assist the United Nations in the pursuit of its human-rights activities.

75. **Ms. Filip** (Observer for the Inter-Parliamentary Union (IPU)) said that the 2006 annual seminar of IPU for members of parliamentary human-rights bodies had dealt with the role of parliaments and their members in ensuring due administration of justice, a question that had taken on particular importance in the context of the fight against terrorism.

76. In addressing the problem of torture, participants had noted that the absolute prohibition of torture had been increasingly called into question in recent years and practices had been put into place by some States which actually circumvented it, through legislation that allowed some measure of torture for the sake of security. Such practices were deemed unacceptable. If parliaments were to protect democracy, they must guarantee respect for certain non-negotiable principles, one of which was the prohibition of torture. It should be defined as a crime in the criminal codes of all countries, appropriate punishment should be meted out to torturers and those who ordered it, and testimony obtained under duress should not be used as evidence in court. A well-trained police force did not need to resort to torture to obtain information, and parliaments should ensure that resources were provided for appropriate training of police.

77. Detention and imprisonment raised another important issue. Detainees and prisoners retained all human rights except their right to liberty, and the primary purpose of punishment should be rehabilitation. Unfortunately, conditions of detention and imprisonment in the majority of countries were such that it was difficult to attain that objective. Administrative detention was increasingly used by States to tackle the problem of migration. Receiving States tended to consider asylum-seekers and migrants as potential criminals and treated them accordingly, with the result that the most needy and vulnerable were the ones receiving the least assistance.

78. The fight against terrorism had also resulted in the erosion of essential fair-trial guarantees as enshrined in article 14 of the International Covenant on Civil and Political Rights. Of course, only an independent judiciary would ensure that justice was done and seen to be done, but all too often it was subservient to the executive branch, and in addition, corruption was widespread. Parliaments could not stand idly by under the pretext of separation of powers, when in fact their role was crucial in order to ensure an independent and impartial judiciary, as well as implementation of fair-trial guarantees.

79. Even the best laws were worthless if not implemented. The oversight function of parliaments gave them the power to question executive and

administrative authorities if they suspected abuses of due process of law. The principle of separation of powers was a system of checks and balances, and parliaments had the duty to ensure that the laws were properly implemented.

80. **Mr. Saeed** (Sudan), speaking in exercise of the right of reply, said that the delegations of Canada and New Zealand were once again reverting to their practice of talking without justification about the situation in Darfur, taking an approach which betrayed prejudice, not simply misunderstanding, and which deliberately tried to subvert the nascent peace agreement concluded in Abuja, in a purely African process, with the support of the international community and the endorsement and resolve of all Sudanese people.

81. Making references to the Security Council and to draft resolutions of the Third Committee indicated politicization and deliberate ill will. The two States in question were not members of the Security Council, but were simply expressing a political agenda, echoing the views of other States whose identity was well known. The position of the Sudan on Security Council resolution 1706 (2006) was perfectly clear, and the current meeting was not the place to speak of that resolution.

82. The Government of the Sudan had bravely acknowledged that it was facing a crisis in Darfur, arising out of a dispute over resources, which had evolved into a military conflict. The Government had not stopped at acknowledgement of the problem, but had expressed strong resolve to deal with it. The peace accord signed in Abuja had been the culmination of those efforts. Rather than support from the international community, rather than any attempt to bring pressure on the factions that had failed to sign the peace accord, the Sudan was encountering positions such as those of Canada and New Zealand, that could only be described as attempting to undermine peace.

83. The situation of human rights in Canada and New Zealand, and those countries' long history of support for slavery and apartheid, as well as the tragic situation of their indigenous peoples and migrants, were well known. The Sudan challenged Canada and New Zealand to show courage just once, by including in their statement a report on the conditions of their indigenous populations and migrants. They should also report on the emergence of Islamophobia in their countries, and on the growing hostility to freedom of religion.

84. The Government and people of the Sudan recognized their enemies, but would not allow them to subvert the search for peace in the Sudan, which was desired by the noble Sudanese people in their entirety.

85. **Mr. Cumberbatch Miguén** (Cuba), speaking in exercise of the right of reply, observed that myopia seemed to be the prevailing disease among those who were attending the meeting in order to make petulant speeches on the human-rights situations in countries other than their own. The strong tinge of racism and racial supremacy that marked some speeches was shameful. In the case of Canada, it was striking that, in all of its long list of offences committed, there was not a single reference to any of the violations, of many different kinds, being committed very close to its southern border. Instead, Canada chose to monitor events occurring thousands of kilometres distant. Where was its concern for the acts of torture committed by its imperial neighbour, or for the new laws passed in order to legalize torture and to condone abuses against illegal immigrants?

86. If the human-rights record of Canada was so clean, it was worth asking why the country had opposed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, given that it was well known that the indigenous population of Canada was in a precarious situation: systematically excluded from the benefits of economic exploitation of the resources on ancestral lands, and faced with the exclusive choices of assimilation on the one hand or poverty, alcoholism and marginalization on the other. Representatives of indigenous peoples continued to press for self-government and for hunting and fishing rights on their ancient lands, but all they obtained from the Government of Canada was harassment by the police, who in some cases forcible removed the representatives from their population centres and left them to their fate, a fate which might well be death from hypothermia. Overrepresented in the prison population, and underrepresented in the labour force, the indigenous peoples of Canada were facing dire and worsening poverty.

87. Nor did the country lack groups of extremists, sowing racial or ethnic hatred. The country was an accomplice in the warlike adventures of its imperial neighbour, that committed flagrant violations of human

rights on the pretexts of the fight against terrorism and the responsibility to protect the security of its population.

88. Cuba, strengthened by its long years of freedom and democracy and its long years of struggle against imperialism and its accomplices, would never give up its independence, and did not need hypocritical lessons on human rights and democracy from Canada and the like. The defamation of the Cuban revolution, the policy of blockade against the country, and the attempt to intimidate Cuba demonstrated that manipulation of cooperation in the area of human rights was turning the debate on the topic into a tool of domination.

89. **Mr. Shinyo** (Japan), speaking in exercise of the right of reply, said that, whereas the delegate of the Democratic People's Republic of Korea had said earlier that the issue of the abduction of Japanese citizens was settled and not a pending issue, the Government of Japan could not and would not accept such an assertion. A considerable number of Japanese citizens had still not yet returned to Japan. The abductions were thus still an ongoing issue, and a most serious violation of human rights directly affecting the lives and security of many people. It was a matter of international concern, not simply a Japanese matter, since it had been revealed that citizens of other countries had also been abducted. The Special Rapporteur on the situation of human rights in North Korea had also mentioned that point a few days earlier.

90. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea), speaking on a point of order, said that the name of his country should be given correctly.

91. **Mr. Shinyo** (Japan), continuing, said that further evidence that the matter was one of international concern was shown by the General Assembly's adoption of a resolution on the human-rights situation in the Democratic People's Republic of Korea in December 2005. Furthermore, at the Summit of the Group of Eight, the chair's summary had included the phrase: "We also urge the DPRK to respond to other security and humanitarian concerns of the international community, including early resolution of the abduction issue." That indicated that the abduction issue was a grave violation of human rights and of concern to the entire international community. Furthermore, the Security Council had adopted resolution 1718 (2006) of 14 October, immediately after the announcement of a nuclear test by the Democratic People's Republic of Korea, one preambular paragraph of which stated: "Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community".

92. As for the fate of the abduction victims, no satisfactory explanation had been provided by the authorities of the Democratic People's Republic. Japan strongly urged it to revise the response it had given to inquiries into the matter, to admit that its actions had been a violation of human rights, to let the survivors return to Japan or to other countries without delay, to carry out a thorough investigation into the matter and to surrender the criminals who had perpetrated the abductions.

93. The numbers that the representative of the Democratic People's Republic of Korea had mentioned with regard to the issue of the so-called comfort women during the Second World War were greatly exaggerated, and Japan could not accept them. The issue of recognition of the historical past on the one hand and that of the abductions, a clear violation of human rights and an ongoing concern, on the other, existed in two separate dimensions, and no attempt should be made to link them. Such a confusion of issues could never serve as justification or excuse for the abductions, and Japan categorically rejected such an argument.

94. **Ms. Mariam** (Ethiopia), speaking in exercise of the right of reply, said she wished to refute the baseless allegations against her country by Canada. Ethiopia was fully committed to the promotion and protection of human rights, in accordance with its Constitution and international obligations. Since the demise of the military regime, the country had made significant progress in the establishment of a democratic order in which a multitude of parties could compete for seats in the regional and national legislative organs. The abolition of censorship and guarantees of the freedom of expression had led to a flourishing private press. Additionally, numerous local and international NGOs were active in the promotion of human rights.

95. Persons accused of crimes were brought before the courts, in full enjoyment of their rights, due process and guarantees. With regard to the recent arrest and ongoing trial of persons accused of being involved in a violent attempt to overthrow the constitutional order, Ethiopia had already presented to the Committee the circumstances leading to their arrest. Their trial was

being conducted in full compliance with the national and international obligations of Ethiopia, and was being observed by members of the detainees' families, by the diplomatic community and by local and international journalists and experts. It was thus evident that the allegations by Canada were without any foundation.

96. **Mr. Vohidov** (Uzbekistan), speaking in exercise of the right of reply, said he wished to comment on the statement made by Canada on the situation in Uzbekistan. There were two points at issue: firstly the remarks made on the violent repression of protesters in Uzbekistan, and secondly the related reference to the need for freedom of expression and the right of peaceful assembly. As in the corresponding meeting one year earlier, the attempt was being made to describe the events in Andijan as a peaceful demonstration, ignoring the fact that dozens of people had been killed by those arms-bearing so-called peaceful demonstrators. The victims had included dozens of police officers, military personnel and hostages. In 2005, those making the allegations had succeeded, and the Third Committee had adopted a draft resolution expressing concern at the situation of the so-called refugees from the events in Andijan.

97. At the present time, Canada was repeating the same concerns, about refugees and asylum-seekers, but now the concern was not with those who had left the country, but with those who had voluntarily returned. As he had said a year previously, the people who had fled the country at that time had simply been misled. The Government and people of Uzbekistan had not had any problems with those people, considering it their personal choice whether or not to leave the country. Indeed, the Government had even given them financial assistance upon their leaving. The problem had simply been with 23 people freed by criminal elements from the Andijan prison where they had been serving sentences for crimes committed. Uzbekistan had quite lawfully requested the return of those people in order for them to be held accountable for their actions. Instead, those criminals had obtained refugee status. All the other people who had left the country, had received refugee status but had then been disillusioned were now returning. Uzbekistan had no problem with their wishing to return, but was not assisting them financially to do so.

98. Against that background, in a situation similar to that of the year before, there was now a demand for an international investigation of the situation of those former so-called refugees who had now returned. The year before, Uzbekistan had declared its readiness to investigate the events in cooperation with the international community, but the sponsors of the draft resolution had categorically refused that offer, simply demanding that Uzbekistan must accept a so-called independent investigation. Now once again there was a demand for an investigation into events occurring in Uzbekistan's sovereign territory. Uzbekistan was prepared to cooperate; it was not prepared to have such an investigation imposed upon it.

The meeting rose at 1.10 p.m.

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Chairman: Mr. Al Bayati ..... (Iraq)

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06-59591 (E)

The meeting was called to order at 10.30 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 374, 369 and Corr.1, 469, 470, 475, 489, 504 and 526)

1. **Mr. Swe** (Myanmar), speaking in exercise of the right of reply to statements made at the 34th meeting, said that he regretted that the delegations of New Zealand and Canada had ignored the guiding principles of impartiality and non-selectivity in the promotion and protection of human rights, proclaimed in General Assembly resolution 60/251, and continued to politicize human rights issues by making groundless accusations against countries such as Myanmar concerning their socio-economic and health situation and the right to food.

2. Myanmar had in fact achieved a GDP growth rate of 5.7 per cent for the period 1990-2003, as reported by the United Nations Development Programme (UNDP), and the International Monetary Fund (IMF) predicted a growth rate of 7 per cent for the current year. Myanmar had an HIV/AIDS infection rate of 1.2 per cent, which was lower than that of many other countries facing that scourge. Furthermore, according to the Food and Agriculture Organization of the United Nations (FAO), Myanmar had a malnutrition rate of only 5 per cent, which was lower than the rate for South-East Asia and the Asia-Pacific region.

3. Myanmar had shown its willingness to cooperate with the international community and the United Nations and had received visits from the Under-Secretary-General for Political Affairs and a delegation of the International Labour Organization (ILO).

4. **Ms. Zhang** Dan (China), speaking in exercise of the right of reply, said that the statement made by the delegation of Canada was contrary to the spirit of cooperation, non-selectivity and non-politicization in the consideration of human rights issues embodied in General Assembly resolution 60/251.

5. She was deeply concerned about the human rights record of Canada, where there was discrimination against the indigenous population, police violence, and xenophobia. When the Human Rights Council had been considering the adoption of the draft declaration on the rights of indigenous peoples, Canada had not only requested a vote, but had cast a negative vote, indicating a lack of political will to improve the situation of its indigenous peoples. There had also been an increase in discrimination against Muslims in Canada since 11 September 2001. Canada criticized developing countries for poor law enforcement, yet it had cases of excessive and lethal use of Taser guns by the police. He urged more dialogue and cooperation.

6. **Ms. Simovich** (Israel), speaking in exercise of the right of reply to the statement made by the Observer for Palestine at the 34th meeting, said that the Palestinians were responsible for the situation they were in, as they had chosen not to elect a peace-pursuing Government which could have built on the Israeli withdrawal from Gaza and the good faith and aid extended by the international community. Israel was deeply concerned about the humanitarian and economic situation and human rights of the Palestinian people. However, that concern was not shared by Hamas, which was interested only in terrorism. The path to a better future for the Palestinian people had been pointed out by the international community, including through the Quartet. Hamas must recognize Israel, accept and implement agreements signed between Israel and the Palestinian Authority and put an end to violence and terrorism, including the attacks on its southern communities.

7. A year earlier, Israel had removed its presence from the Gaza Strip, opening the way for peace talks. However, Palestine had responded with acts of terrorism and ongoing Kassam rocket attacks. Moreover, tunnels to smuggle weapons into Gaza for use against the people of Israel had recently been discovered along the border with Egypt. Consequently, Israel had adopted a number of security measures to limit the number of terrorist attacks and protect its citizens.

8. Israel attached importance to human rights and to the welfare and well-being of the Palestinian people. She wished to hear similar calls for peace from the

Palestinian side, first and foremost through the release of the abducted soldier, Gilad Shalit. It was not too late for the Palestinian leadership to show genuine commitment to pave the way for a true partnership for peace.

9. **Mr. Nikiforov** (Russian Federation), speaking in exercise of the right of reply, said that the statement by the representative of Georgia at the 34th meeting contained unsubstantiated claims against the Russian Federation, as part of the Georgian Government's ongoing anti-Russian campaign, based on misinformation and efforts to brainwash its citizens. Force was being used in Abkhazia and southern Ossetia, which increased tension and posed a direct threat to stability and security in the entire southern Caucasus region, with severe consequences for bilateral Russian-Georgian relations and regional relations. The irresponsible measures taken by the Government of Georgia to subvert existing agreements and negotiating and peacebuilding mechanisms had already been the subject of strong condemnation, including in Security Council resolution 1716 (2006). The Russian Federation's response had been commensurate with the unfriendly policy Georgia had been conducting for years. The improvement of Russian-Georgian relations depended on whether the Georgian Government would take positive measures to show its desire to normalize relations with Russia, rather than perpetuating belligerence and anti-Russian sentiment.

10. **Mr. Omidzamani** (Islamic Republic of Iran), speaking in exercise of the right of reply to the statement made by the delegation of New Zealand at the 34th meeting, emphasized that the Government of Iran had always accorded priority to the promotion and protection of human rights and fundamental freedoms for all Iranians. He drew attention to reports of human rights treaty bodies, such as the Committee against Torture, and particularly the recommendation by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people that the bill of rights of New Zealand should be entrenched to better protect the human rights of all citizens regardless of ethnicity or race.

11. The Committee should safeguard the credibility of the human rights system and not allow it to be a hostage of political agendas. The principles of objectivity, non-politicization and non-selectivity should be upheld.

12. **Mr. Normandin** (Canada), speaking in exercise of the right of reply, said that the Government of Canada had acknowledged that its human rights record was not perfect, and discussed the steps it was taking to address any shortcomings in that regard. He could not recall such frankness in the statement by the representative of the Islamic Republic of Iran on its human rights problems or any details about the specific steps the Government of that country was taking to address them.

13. The reports on the human rights situation in Canada were available because Canada cooperated with United Nations mechanisms and was fully up-to-date in its reporting to the treaty bodies. Those reports were widely discussed in Canada, through the media, NGOs, and a number of political parties. There were many human rights advocates in Canada, including aboriginal leaders, who could speak freely, hold the Government accountable, and were not jailed for expressing an opinion or claiming their rights. He encouraged delegations to read United Nations reports in order to acquire a comprehensive picture of the situation in Canada.

14. Canada exercised rigorous control over the lawfulness of all forms of deprivation of liberty. It had adopted a series of measures, including open discussions with its aboriginal population on relevant issues, and had negotiated land claims and self-government agreements. Other measures related to residential schools, empowerment of indigenous groups and a consultation process on matrimonial property. Canada was indeed concerned about the well-being and the human rights of migrants, who were protected by a range of national and international instruments.

15. Canada was in favour of a genuine, open discussion on human rights, and its approach was to acknowledge the issues, engage with all stakeholders, and act to make progress, whereas the approach of the Islamic Republic of Iran, domestically and internationally, was based on denial, stifling of debate and retaliation. The Committee and the citizens of the Islamic Republic of Iran deserved better.

16. **Mr. Sin** Song Chol (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation rejected the unsubstantiated allegations made at the 34th meeting by the delegations of Japan, New Zealand and Canada.

Those countries had consistently fabricated human rights issues to justify the plundering and exploitation of less developed countries and they deserved to be condemned. The Committee should be a forum for discussion on measures to promote and protect human rights rather than for confrontation.

17. With regard to his country's military consolidation, including nuclear testing, he reiterated that his country had built up its defence capabilities in order to protect its people from such violations of the right to life as had been occurring in Iraq and Afghanistan, and to promote and protect the human rights of its people and prevent more blood from being shed on the Korean peninsula by belligerent, ruthless, ultra-right descendants of the samurai and spectres of militarism from Japan's history.

18. The abduction issue mentioned by the delegation of Japan had been fully resolved, in accordance with the Pyongyang Declaration. He urged Japan to take legal responsibility for its past crimes, such as the forcing of 200,000 women and girls into sexual slavery by the Japanese military, the forcible drafting of 8.4 million people and the genocidal massacre of one million Koreans. Japan should provide an honest apology and due compensation rather than attempt to cleanse its blood-stained hands.

19. He urged the Japanese authorities to fully implement the Pyongyang Declaration rather than continuing to distort and debase it. The talks for normalizing diplomatic relations mentioned in paragraph 2 of that Declaration had not yet taken place owing to Japan's insincerity and acts of betrayal, whereas the Declaration was the road map for bilateral relations between the countries and not an excuse for Japan to evade responsibility for its wrongdoings.

20. **Ms. Haile** (Eritrea), speaking in exercise of the right of reply to the statement made by the delegation of Canada, said that Eritrea was fully committed to all human rights, without the distinction between the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights that some delegations seemed to be making. Her Government had recently submitted its reports to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child, and was currently considering submitting its reports on other human rights instruments to which Eritrea had become a party.

21. Human rights could not be advanced through the use of double standards, and a guiding principle of the Human Rights Council was constructive cooperation without selectivity. Equal weight and attention should be given to international covenants and other international human rights instruments. It was thus regrettable that some delegations continued to follow the old practices that had discredited the Commission on Human Rights.

22. She rejected the concern expressed by Canada, which displayed a lack of objectivity and clear understanding of the situation in Eritrea. She hoped that the Human Rights Council could fulfil its mandate without an unhealthy exchange of accusations.

23. **Mr. Montoya Pedroza** (Colombia), speaking in exercise of the right of reply to the statement made by the delegation of Canada, said that the political and financial support that had been provided to his Government, including by Canada, for the demobilization of members of violent groups was fundamental to the success of that initiative, which had already demobilized 42,000 such members. The country's Justice and Peace Law and its recently established Commission for Reparation and Reconciliation had also been fundamental in that process.

24. Colombia had already provided information on the issue of displaced persons to the Committee. Measures such as the Democratic Security Policy, the legal and policy frameworks, the work of specialized agencies and budgetary resources had helped to improve the situation of internally displaced persons, facilitating their exercise of fundamental rights such as the rights to health, education and housing.

25. It was a priority of the Government to respect the activities of human rights defenders; human rights indicators had shown that their protection and the prevention of violations of their rights had been effective. The Democratic Security Policy and presidential directives had helped to significantly curb the rates of crime against those persons and raise public awareness of the importance of their work. The Government was strengthening the security situation in the country and moving towards peace. Political support and cooperation of the international community was fundamental in bringing those efforts to fruition.

26. **Mr. Shinyo** (Japan) said that the figures presented by the representative of the Democratic People's Republic of Korea were greatly exaggerated and therefore totally unacceptable. Such unsubstantiated information could not be used as an excuse or justification for the abductions committed by the Democratic People's Republic of Korea in clear violation of human rights and international law. Japan categorically rejected the attempt by the representative of the Democratic People's Republic of Korea to justify the abductions by linking issues of the past, which were irrelevant to the agenda item, to the ongoing issue of abductions, which related clearly to human rights. He therefore strongly urged the Democratic People's Republic of Korea to provide without delay concrete and reliable information concerning all those abducted, ensure the immediate return of all survivors and extradite those responsible for the abductions. He also urged the Democratic People's Republic of Korea to comply fully with paragraph 3 of the Pyongyang Declaration.

27. **Ms. Rasheed** (Observer for Palestine) said that countless reports of United Nations bodies, Amnesty International, Human Rights Watch and even Israeli human rights organizations all recognized the myriad of human rights violations committed by Israel against the Palestinian people.

28. Referring to the comments made by the representative of Israel concerning the Palestinian Authority and Hamas, she said that Israel had no right to lecture the Palestinian people on ways in which they should govern or who should be in government, especially given that successive Israeli Governments, without exception, had violated practically every United Nations resolution, including General Assembly and Security Council resolutions, and continued to commit countless violations of international law. Every Israeli Government had committed war crimes and State terrorism, allowed the theft of Palestinian land and the killing of civilians, including women, children, the disabled and the elderly, denied the Palestinian population their basic human rights and allowed occupation of Palestinian land to continue. Hamas was not the reason for such outrages or for acts of terrorism which had not taken place until nearly thirty years after the beginning of the Israeli occupation.

29. Israel continued to use "security reasons" and numerous other pretexts in order to make it more difficult to establish the facts on the ground and in a bid for more time in which to pursue further its illegal actions, including the seizure of land for settlements. In that regard, it should be noted that the number of illegal settlers on Palestinian land had doubled during the so-called "peace process". The wall constructed by Israel, purportedly for security purposes, in the occupied Palestinian territory, was intended only to impose a political boundary within which it could incorporate its illegal settlers.

30. Her delegation would not allow the reality of the situation in Gaza to be distorted: it was an undeniable fact that Gaza had become an open-air prison controlled in every way by Israel. It was a humanitarian catastrophe: nearly all vital civilian infrastructure had been bombed, sanitation and social services were severely lacking, and shells were fired daily by Israel, killing and injuring civilians, including children; all on the pretext of the capture of a single Israeli soldier. While President Mahmoud Abbas was actively engaged in securing the release of that Israeli soldier, some 10,000 Palestinian prisoners were languishing in highly unsanitary and inhumane conditions in Israeli prisons, including 350 children and 120 women, held in violation of international law. Israel would not achieve security by shelling civilian population centres, destroying homes, killing innocent civilians, building enclosures, harshening economic realities, subjecting 3.5 million Palestinians to siege and curfew, humiliating Palestinians at checkpoints and seizing more Palestinian land. In order to ensure security for both sides, it was clear, as recognized by the entire international community, that Israel must end its occupation and agree to comply with international law and international humanitarian law.

31. **Mr. Sin** Song Chol (Democratic People's Republic of Korea) said that his delegation categorically rejected the allegations made by the delegation of Japan. The claim that the figures presented by his delegation were "unsubstantiated" was wholly unacceptable, since those figures were well documented. For example, the Special Rapporteur on violence against women, its causes and consequences had indicated in a report (E/CN.4/1996/53/Add.1) that approximately 200,000 Korean women had been victims of sexual slavery at the hands of the Japanese military.

32. The Japanese authorities were driving relations between Japan and the Democratic People's Republic of Korea to their worst point in history by persisting in

their attempts to distort and exaggerate the issue of abductions for domestic political purposes. In so doing, they were betraying the spirit in which, at the end of 2004, the Japanese Government had officially thanked the Democratic People's Republic of Korea for its sincere efforts to settle the issue. The Japanese authorities should demonstrate genuine will to seek a solution by providing bereaved families with clear and correct information regarding those sincere efforts, instead of continuing to mislead public opinion, which would only deepen suspicion among the public. By internationalizing the issue, they sought to isolate the Democratic People's Republic of Korea, demonstrate leadership ability at the national level and foster ultra-nationalism as a means of justifying their militarist policy.

33. No matter how hard Japan might peddle the abduction issue in a bid to cover up its past crimes, Koreans would blame Japan for all past crimes and force it to pay for them. The Democratic People's Republic of Korea therefore strongly urged Japan to ponder the serious impact of the current situation on overall relations between the two countries, to acknowledge its legal responsibility for its past crimes against humanity, sincerely apologize for those crimes and provide due compensation to the victims in order to prevent similar disastrous consequences of militarism in the future.

Agenda item 68: Report of the Human Rights Council (A/61/53)

34. **The Chairman**, drawing attention to document A/61/53, recalled the recommendation adopted by the General Assembly at its 41st plenary meeting that agenda item 68 be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that dealt with the development of international law in the field of human rights. Taking into account that recommendation, the General Assembly in plenary meeting would consider the annual report of the Human Rights Council on its activities for the year. That division of work had been agreed upon with the understanding that the arrangement was owing to the fact that the Human Rights Council had only commenced its work in June 2006. It was also understood that the current arrangement was in no way a reinterpretation of General Assembly resolution 60/251 and would be reviewed before the beginning of the sixty-second session of the General Assembly, on the basis of the experience gained with the efficiency and practicality of the arrangement.

35. **Mr. Win** (Myanmar) said that, while his delegation welcomed the establishment of the Human Rights Council as a subsidiary organ of the General Assembly and commended the President of the Human Rights Council for his able leadership, it was clear that much needed to be done in the months ahead.

36. The good work of the Commission on Human Rights had been undermined by politicization, double standards, selectivity and lack of impartiality, with a resulting loss of efficiency, effectiveness and credibility, and the increasing misuse by some powerful countries of human rights mechanisms for political purposes had led to mistrust and confrontation, thus damaging the cause of human rights.

37. It was regrettable that some countries were continuing to address country-specific situations and working to present country-specific resolutions on certain other States in order to politicize the human rights issue. It was imperative to eliminate such politicization in order to avoid repeating the errors of the Commission on Human Rights, and to take a fresh approach to addressing human rights issues while adhering strictly to the provisions of General Assembly resolution 60/251.

38. In transforming the human rights mechanism, it was important to review the existing system of special procedures maintained by the defunct Commission and, as part of that review process, to give thorough consideration to the effectiveness of maintaining special procedures mandate holders or independent experts, whose large number was placing great strain on scarce resources. Factual, objective and unbiased reporting was crucial in addressing country-specific human rights situations. Reports based on unreliable sources and political bias on the part of special rapporteurs could not only be misleading but also damaged the image of the country concerned.

39. Some of the reports of special rapporteurs contained glaring errors, inaccuracies and assertions that entirely misrepresented the situation on the ground. For example, the report of the Special Rapporteur on the situation of human rights in

Myanmar in 2006 stated that rates of HIV/AIDS and tuberculosis infection remained among the highest in Asia, whereas the reports of both the United Nations Development Programme (UNDP) and the United Nations Programme on HIV/AIDS (UNAIDS) clearly showed that the low infection rates in Myanmar were widely regarded as a model in combating HIV and AIDS. The Special Rapporteur had also made an erroneous and alarming assertion that the outbreak of H5N1 avian influenza in March and April 2006 in Myanmar posed a potential pandemic threat, which was completely at odds with the encouraging statement made by the Senior United Nations System Coordinator for Avian and Human Influenza that the Government had worked effectively with the international community to prevent the spread of the disease and was ready to handle any future outbreaks.

40. The Special Rapporteur on the right to food had made a groundless observation that the situation regarding the right to food in Myanmar was precarious. However, recent food security statistics provided by FAO showed that Myanmar had a low level of undernourishment, and that food supply in Myanmar had improved since the beginning of the 1990s.

41. The reporting of such unverified information should be stopped, and special mandate holders must maintain their independent status in order to fulfil their mandates impartially.

42. The Human Rights Council should address all human rights issues through a universal periodic review process, addressing not only civil and political rights but also economic, social and cultural rights, including the right to development, and the selection of issues for inclusion on its agenda should be fair and balanced.

43. **Mr. Makanga** (Gabon), speaking on behalf of the African Group and raising a point of order under rule 113 of the rules of procedure, asked whether the President of the Human Rights Council would address the Third Committee. In the absence of the President of the Human Rights Council, he proposed that discussion of agenda item 68 be deferred until the Committee was able to engage in an interactive dialogue with the President.

44. **The Chairman** said that discussions regarding the possibility of dialogue with the President of the Human Rights Council were ongoing.

45. **Mr. Saeed** (Sudan) endorsed the proposal made by the representative of Gabon.

46. **Ms. Anttila** (Finland) said that the general discussion on agenda item 68 should proceed, since it had been announced in the *Journal*.

47. **Mr. Ritter** (Liechtenstein) said that it was important to adhere to the agreement reached at the 41st plenary meeting of the General Assembly, whereby the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, and the General Assembly in plenary meeting would consider the report of the Human Rights Council. It was clear, therefore, that the report should be presented in the plenary, not in the Third Committee. The recommendations of the Human Rights Council would automatically come before the Third Committee.

48. **Mr. Makanga** (Gabon), speaking on behalf of the African Group, said that the recommendation of the General Assembly made no reference to an address by the President of the Human Rights Council to the plenary. He insisted on the immediate adjournment of the meeting while awaiting consensus as to whether the President of the Human Rights Council should be present.

49. **Mr. Afifi** (Egypt), endorsing the statement made by the representative of Gabon, said that his delegation had also understood that the President of the Human Rights Council would address the Committee. However, it was undesirable to enter into an argument over the semantics of the recommendation adopted by the General Assembly. He therefore urged immediate action on the motion before the Chairman.

50. **Ms. Anttila** (Finland) said that, since rule 116 of the rules of procedure provided for adjournment of debate, her delegation would not oppose such adjournment, provided that it did not last more than half a day.

51. **The Chairman** took it that the Committee wished to adjourn its debate on item 68.

52. *It was so decided.*

The meeting rose at 11.55 p.m.

United Nations A/C.3/61/SR.36

General Assembly
Sixty-first session

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Third Committee

Summary record of the 36th meeting
Held at Headquarters, New York, on Tuesday, 2 November 2006, at 10 a.m.

Chairman: Mr. Al Bayati ..... (Iraq)

Contents

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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06-59597 (E)

The meeting was called to order at 10.50 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36, 97, 220 and 280)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/61/211, 267, 281, 287, 289, 306, 311, 312, 324, 325, 338, 340, 348, 352, 353, 384, 464, 465, 476, 506 and 513)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 349, 360, 369 and Corr.1, 374, 469, 470, 475, 489, 504 and 526; A/C.3/61/6 and 7)

1. **Mr. Okola** (Independent Expert on the situation of human rights in Burundi), introducing his interim report on the situation of human rights in Burundi (A/61/360), expressed gratitude to the Government of Burundi for its full support and cooperation during his missions. He said that he had been able to meet with everyone — from Government ministers to ordinary people — whom he considered necessary for the proper discharge of his mandate. He was grateful for the important contribution of religious leaders and civil society to his work and noted in particular the involvement of Japan in the peace consolidation process.

2. The Government had made commendable strides in the area of social and economic rights, including the establishment of a free primary education programme. The programme was working fairly well despite problems such as a shortage of teachers and educational material. The Government had also begun a programme to provide free health care for expectant mothers and children under the age of five. Unfortunately, however, it was badly underfunded. He therefore appealed to the international community for its support.

3. The human rights situation in Burundi remained an area of great concern. Various human rights violations were reported on a daily basis and a culture of impunity prevailed. The situation was exacerbated by the presence of light weapons among civilians, widespread poverty, a failure to respect national legal procedures and intolerance of Government critics.

4. There was an atmosphere of anxiety in Burundi, which contrasted with the spirit of joy and optimism that had followed the democratic elections in 2005. Tensions had escalated between the Government and the ruling party, on the one hand, and opposition parties, civil society and media, on the other, reaching a crisis point following the arrest and detention in July 2006 of the former President and Vice-President on charges of planning to overthrow the Government. The people with whom he had spoken widely perceived those charges as an attempt by the Government to suppress the opposition and to settle old political scores. To date, the Government had failed to offer any credible evidence to implicate those who were being detained and had used legal procedures to keep the suspects in custody even after the Supreme Court had ruled that they should be released.

5. He had interviewed the detainees, each of whom had pleaded innocent to the charges against them. Three of them, including the former transitional Vice-President, had claimed to have been tortured and had shown scars on various parts of their bodies, together with medical reports and photographs taken after their arrest and detention to support their claim. Furthermore, the Minister in charge of human rights and gender issues had stated that they had indeed been tortured. The perpetrators of the abuse were agents of the Government's intelligence arm, the Service national de renseignement, and although their identities had been disclosed to the Government, no action had been taken against them. One of the detainees, a lawyer for two of the accused persons, had been arrested owing to an apparent attempt to silence the local bar, after he had written to the authorities to protest against the alleged torture of his clients.

6. The increasing intolerance of the Government towards members of opposition parties was threatening freedom of expression. Intimidation and harassment of the independent media had increased following critical reporting on the allegations of a coup attempt. Several journalists had reported receiving death threats, one of whom had felt compelled to flee the country, and their movements appeared to be monitored by intelligence agents.

7. During the first half of 2006, human rights observers had reported that 53 persons had been killed throughout the country, mostly by State agents. He had visited Muyinga Province during his visit, where there had been reports of summary executions of at least 26

persons by intelligence and military personnel in July 2006. The victims had been arrested and held in illegal places of detention and subsequently executed. Four of them had been tied together and suffered wounds on various parts of the body indicating torture. The matter had come to light only when a local NGO had been informed of the killing by local residents who had discovered the bodies floating in a river. Three persons had been arrested, including the director of the local intelligence service. The Government had appointed a commission of inquiry to look into the case; its report was still pending.

8. Full peace could not be achieved in Burundi without a full and frank examination of the causes of the conflicts which had characterized the history of the country since independence. While the Government seemed to support the establishment of a truth and reconciliation commission, it did not appear ready to deal with the question of justice for those accused of serious crimes. Despite some improvements in the political process following the 2005 elections, there was a lack of dialogue between the Government and ruling party, on the one hand, and civil society and the opposition, on the other, which was leading to the further polarization of the country and increasing the chances for renewed conflict. The international community must remain engaged in promoting peace and stability in Burundi.

9. He urged the Government to expedite the trial of those accused of plotting a coup and to speed up the process of establishing appropriate transitional justice mechanisms. He also called on it to show tolerance towards its critics. He encouraged the Government to expand its commendable educational and health programmes to cover every poor person. Lastly, he appealed to the international community to increase its support for the justice system in Burundi, particularly regarding the establishment of transitional justice mechanisms. There was a need for international donors to increase their humanitarian and development assistance and to begin the process of disbursing funds pledged for the reconstruction of Burundi.

10. **Mr. Nkingiye** (Burundi) said that the report expressed some views which his delegation shared and others which it did not. His Government had come a long way in the area of human rights. Burundi had experienced human rights violations for more than 40 years, including the assassination of a President and the killing of deputies, senators and entire populations. There had been a number of reactions by people who sought to combat such gross human rights violations and to establish the rule of law in Burundi.

11. Following the report there had been considerable improvements in the area of human rights. His Government stood ready to work closely with the Independent Expert to make respect for human rights a lasting reality in Burundi. Much remained to be done. It was committed to ensuring that issues concerning national reconciliation, expropriation and the problem of impunity referred to by the Independent Expert were addressed, and it was resolved to enable the justice system to carry out its work with respect to all persons accused of human rights violations.

12. He called for the understanding and support of the international community in his Government's current efforts to promote national reconciliation and improve the human rights situation.

13. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, the acceding countries and the European Free Trade Association countries members of the European Economic Area, welcomed the report of the Independent Expert and the cooperative relations established with the Burundian authorities. The report had noted the successful holding of the elections and the hopeful political climate. For the Government of Burundi, those hopes translated into high expectations. The European Union therefore noted with concern the information received from the Government regarding the preparation of a coup d'état in July 2006.

14. The assurances by the Government that the judicial investigations currently under way on the matter would be conducted in strict compliance with legal procedures and human rights were encouraging. Nevertheless, some concerns with respect to procedural guarantees, alleged torture and freedom of the press continued to be borne out by events; he trusted that the Independent Expert would continue to follow developments in those areas. The European Union would like to hear the views of the Independent Expert on the role of the transitional justice mechanisms referred to in the report (A/61/360), particularly the special tribunal, in strengthening the judicial system and fighting impunity.

15. **Mr. Jølle** (Norway), commending the Independent Expert for his very informative report, noted that it covered a period during which Burundi had embarked on efforts to re-establish democracy.

Even in the short time that had passed since the finalization of the report there had been very positive developments in Burundi, including the signing of the ceasefire agreement between the Government and the Forces nationales pour la libération (FNL). He would like to hear the views of the Independent Expert on the impact of those recent developments on the human rights situation in Burundi. He would also like to know whether the Independent Expert considered that the establishment of a United Nations integrated office in Burundi in 2007 would have a positive effect on his work, including the coordination of efforts with the Government and among the relevant human rights partners.

16. **Mr. Okola** (Independent Expert on the situation of human rights in Burundi), responding to some of the concerns raised, said that while it was true that Burundi had made considerable progress in the short amount of time since the establishment of the new Government, it seemed that the Government took action only when under external pressure to do so and needed constant reminding in that regard. For example, it had taken considerable pressure from human rights actors in particular to persuade the Government to react to the events that had taken place in Muyinga. The Government must be asked to justify its claim of mending its ways. The special tribunal that should have been constituted immediately had never come into being. From his broad consultations on the matter of reconciliation, it seemed that the Government had shown little support for the establishment of that tribunal and it had not yet proposed a time frame for the establishment of a commission, thereby allowing the culture of impunity to continue and constraining the enjoyment of human rights in Burundi.

17. A spirit of constructive dialogue and engagement between Burundi and the international community was needed in order to help Burundi in its reconstruction efforts, to ensure that the people of Burundi could discern the beneficial effects on their lives of choosing peace over hostilities and to give them reason not to revert back to their old ways.

18. It was encouraging that the representative of Burundi had expressed his Government's willingness to continue cooperating with the Independent Expert. However, in response to questions from Finland and Norway, he expressed disquiet about the discernible tendency of the current Government to consider everyone as the enemy and its use of illegal questioning methods when arresting and detaining alleged offenders. Another concern was that, in spite of the opportunities the Government had been given to comply with the decision handed down by the Supreme Court to release given individuals, it had used legal manoeuvres to keep them in detention. The procedural guarantees that the Government claimed for those individuals appeared not to be applicable. It was not enough to merely identify the root cause of the problems Burundi had faced; it was imperative for justice to function properly and for special chambers to be set up as independent mechanisms. Those measures would strengthen the judicial system by demonstrating how justice should be dispensed.

19. The Agreement on Principles towards Lasting Peace, Security and Stability between FNL and the Government was a positive development, as it marked the return of peace to Burundi. However, that peace was still fragile as it depended on the Government's implementation not only of that agreement but of the Arusha Peace Agreement as well. Many Burundians wondered why, under the Arusha Agreement, only persons belonging to the current Government were given provisional release.

20. He appreciated the work of the United Nations integrated office in Burundi, under which many attempts were being made to address the issue of human rights at the grass-roots level, including by providing human rights training to security agents and soldiers, and to replace the casual attitude that prevailed in Burundi with regard to sexual and gender-related offences.

21. **The Chairman**, speaking with reference to agenda item 68, recalled the Committee's discussion on the question of inviting the President of the Human Rights Council to address the Committee. If he heard no objection he would take it that the Committee indeed wished to do so.

22. *It was so decided.*

23. After a procedural discussion in which **Mr. Jokinen** (Finland), **Mr. Berruga** (Mexico), **Mr. Makanga** (Gabon) and **Mr. Cumberbach Miguén** (Cuba) took part, **the Chairman** said that the Committee had agreed to resume its discussion of agenda item 68 the following week. He added that no decision had yet been taken as to whether the President of the Human Rights Council would address the plenary Assembly.

The meeting rose at noon.

United Nations A/C.3/61/SR.37

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Third Committee

Summary record of the 37th meeting
Held at Headquarters, New York, on Thursday, 2 November 2006, at 3 p.m.

Chairman: Mr. Al Bayati ..... (Iraq)

Contents

Agenda item 68: Report of the Human Rights Council (*continued*)

Agenda item 98: Crime prevention and criminal justice (*continued*)

Agenda item 99: International drug control (*continued*)

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06-59818 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 68: Report of the Human Rights Council (*continued*) (A/C.3/61/L.17 and L.18)

Draft resolution A/C.3/61/L.17: International Convention for the Protection of All Persons from Enforced Disappearance

1. **Mr. Fieschi** (France), introducing the draft resolution on behalf of the original sponsors, said that, if adopted, the International Convention for the Protection of All Persons from Enforced Disappearance annexed thereto would recognize enforced disappearance as a crime and would prohibit secret detention and unofficial places of detention. It contained an innovative form of follow-up involving independent experts who would meet with representatives of States parties and carry out on-site visits as needed. Family and friends of the disappeared would have the right to know the circumstances of disappearance and the fate of the disappeared. Adoptions arising out of enforced disappearance would be illegal.

2. **The Chairman** announced that Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bosnia and Herzegovina, Costa Rica, Côte d'Ivoire, the Dominican Republic, Guatemala, Japan, Jordan, Liberia, Senegal, Sweden, Ukraine and Uruguay had joined the sponsors, bringing the total number of sponsors to 80.

Draft resolution A/C.3/61/L.18, with annex containing the United Nations Declaration on the Rights of Indigenous Peoples

3. **Mr. Chávez** (Peru), introducing the draft resolution on behalf of the original sponsors and Bosnia and Herzegovina, Cameroon, Costa Rica, Cyprus, the Dominican Republic, Finland, Germany, Sweden and Switzerland, said that the Declaration annexed to the draft resolution sought to establish a new relationship between States and indigenous peoples. In particular, it was designed to promote development opportunities for indigenous peoples.

4. **Mr. Berruga** (Mexico) said that, regardless of whether or not the President of the Human Rights Council was present, the Third Committee should take a decision immediately on the two draft resolutions. It was worrisome that the actions of the Third Committee could be delayed because the representative of a subsidiary body of the General Assembly was not present. It was even more worrisome that issues which had been settled following 24 years of discussion could be reopened.

5. **The Chairman** said that it was the role of the sponsors to advise the Chairman on how to proceed.

Agenda item 98: Crime prevention and criminal justice (*continued*) (A/C.3/61/L.9/Rev.1)

Agenda item 99: International drug control (*continued*) (A/C.3/61/L.8/Rev.2)

Draft resolution (A/C.3/61/L.9/Rev.1): Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

6. **Mr. Gustafik** (Secretary of the Committee) said that, as extrabudgetary resources would be available, the draft resolution would not entail any additional appropriations.

7. **Ms. Zarra** (Italy), speaking on behalf of the sponsors, said that five new paragraphs had been added with the aim of strengthening the draft resolution. Argentina, Armenia, Azerbaijan, Bangladesh, Belgium, Burkina Faso, Chile, Côte d'Ivoire, Croatia, Cuba, Jamaica, Japan, Jordan, Mali, Moldova (Republic of), Myanmar, Norway, Paraguay, the Russian Federation, San Marino, Serbia, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam had become sponsors.

8. **The Chairman** said that the following countries had also become sponsors: Afghanistan, Albania, Algeria, Angola, Belarus, Bosnia and Herzegovina, Cameroon, Cape Verde, China, the Democratic Republic of the Congo, Egypt, El Salvador, Estonia, France, Georgia, Ghana, Iceland, Indonesia, Iraq, Kazakhstan, Kenya, Lesotho, Liberia, Madagascar, Malawi, Malta, Mongolia, Mozambique, Peru, the Philippines, Portugal, the Republic of Korea, Senegal, Sierra Leone, the Sudan, Swaziland, Sweden, Turkey, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe.

9. **Ms. Petersen** (Bolivarian Republic of Venezuela) said that her delegation wished to place on record its reservation with regard to the last part of paragraph 4. It was not appropriate to establish a direct and

permanent connection between terrorism and transnational organized crime, inasmuch as the motives underlying the two types of crimes were different. Moreover, the text showed a disregard for the right to due process and the presumption of innocence, which were universally recognized human rights. Her country was firmly committed to the fight against transnational organized crime and recognized the importance of international cooperation in keeping with the principle of shared responsibility. It therefore joined the consensus for the adoption of the draft resolution.

10. *Draft resolution A/C.3/61/L.9/Rev.1 was adopted by consensus.*

Draft resolution A/C.3/61/L.8/Rev.2: International cooperation against the world drug problem

11. **Mr. Khane** (Secretary of the Committee), reporting on the financial implications of paragraphs 29 to 35 of the draft resolution, said that by resolution 60/247 A the General Assembly had approved an allocation of $31,527,800 under section 16, International drug control, crime prevention and criminal justice, of the programme budget for the biennium 2006-2007. Extrabudgetary resources had been projected at $250,420,000 for the same section for that same period. Draft resolution A/C.3/61/L.8/Rev.2 would not entail any additional appropriation for the biennium. The provision on strengthening the United Nations machinery for international drug control (para. 29) would be considered in accordance with established budgetary procedures.

12. **Ms. Feller** (Mexico) announced that the following countries had joined the sponsors of the draft resolution: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Bangladesh, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Finland, Germany, Guyana, Hungary, Iceland, Indonesia, Italy, Jamaica, Jordan, Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Latvia, Madagascar, Malawi, Malaysia, Mauritius, Moldova (Republic of), Mongolia, Norway, the Philippines, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, the Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uzbekistan and Viet Nam.

13. In order to facilitate consensus, the sponsors had held informal consultations, which had resulted in the inclusion of additional proposals. The revised text focused on the challenges and measures arising from the 10-year assessment of the implementation by Member States of the goals and targets of the twentieth special session of the General Assembly and included specific recommendations for countering drug abuse and illicit production and trafficking. It also provided for the strengthening of cooperation between governments, the United Nations Office on Drugs and Crime (UNODC) and other relevant actors, including civil society.

14. **Mr. Khane** (Secretary of the Committee) announced that the following countries had joined the sponsors of the draft resolution: Albania, Angola, Côte d'Ivoire, the Czech Republic, Egypt, Estonia, Georgia, Iraq, Kenya, Lesotho, Liberia, Lithuania, Mali, Mauritania, Mozambique, Nepal, Senegal, Sierra Leone, Swaziland, Turkey, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

15. **Ms. Petersen** (Bolivarian Republic of Venezuela) said that her delegation wished to place on record its reservation with regard to the fifth preambular paragraph. It was not appropriate to establish a direct and permanent connection between terrorism and drug trafficking, inasmuch as the motives underlying the two types of crimes were different. Moreover, the text showed a disregard for the right to due process and the presumption of innocence, which were universally recognized human rights. Nevertheless, her country was firmly committed to the fight against drugs and recognized the importance of international cooperation in keeping with the principle of shared responsibility, and it therefore joined the consensus for the adoption of the draft resolution.

16. *Draft resolution A/C.3/61/L.8/Rev.2 was adopted by consensus.*

17. **Mr. Degia** (Barbados), speaking on behalf of the States members of the Caribbean Community (CARICOM), said that his statement also referred to draft resolution A/C.3/61/L.9/Rev.1. Many CARICOM States were traditionally sponsors of the draft resolutions on the agenda items relating to crime and drugs, and they had joined the consensus

on draft resolutions A/C.3/61/L.9/Rev.1 and A/C.3/61/L.8/Rev.2. The CARICOM delegations had participated in the negotiations, particularly on an issue that was critical to them, namely, the closing of local and regional offices of UNODC in developing countries. Although the CARICOM countries had proposed a balanced paragraph, for the sake of consensus they had accepted compromise language.

18. The CARICOM countries were neither suppliers of nor major demand areas for illicit drugs. They were not arms producers or exporters, nor did they import arms on a large scale. Yet, because of their geographical position and external factors largely beyond their control, they were affected by the scourge of transnational organized crime, illicit trade in small arms and light weapons, and drug trafficking. The UNODC office in Barbados served a total of 29 States and territories, and the technical assistance it provided was extremely important to the Caribbean region. The CARICOM countries were perplexed and concerned about the scaling down of its operations and the decision to ultimately close it. Reference had been made to a lack of funding and absence of projects, but he wished to point out that a number of projects had already been implemented and others were planned for the future. The resources allocated to the Caribbean region were relatively insignificant considering the magnitude of the threat and compared with the amounts provided for other areas; moreover, they had steadily declined over the past few years. Given the limited resources available to them, and the increase in illegal activity, the Caribbean Community could ill-afford to be excluded from international assistance and cooperation. It would oppose any attempt to close the regional office of UNODC and would spare no effort to ensure its continued presence in the region.

19. **Mr. Rodas Suárez** (Bolivia), referring to paragraph 13 of the draft resolution, said that Bolivia did not recognize the concept of "illicit crops". In Bolivia, coca production that was not designated for traditional use was considered surplus production. His Government wished to reiterate its commitment to the fight against the production, trafficking and use of illicit drugs and the abuse of licit drugs, in the context of respect for national sovereignty, human rights and multiculturalism, and in keeping with the principle of shared responsibility. His Government was actively promoting a strategy aimed at gaining international recognition for the value of the coca leaf, which did not have adverse health effects and which played an important role in the culture and traditions of the Bolivian people. However, in a spirit of cooperation and to show its commitment to the fight against drugs, his delegation had joined the consensus on the draft resolution.

20. **Mr. Suárez** (Colombia) said that his delegation wished to express its appreciation for the spirit of cooperation shown by the delegations that had participated in the negotiations on the draft resolution. In particular, he thanked the Mexican delegation for the leadership it had provided.

The meeting rose at 4.10 p.m.